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# LOCAL GOVERNMENT VOTER REVIEW ASSISTANCE NETWORK

## STUDY COMMISSION MANUAL

## TABLE OF CONTENTS

December 14, 1984

MONTANA

1515 E. 22ND AVE.

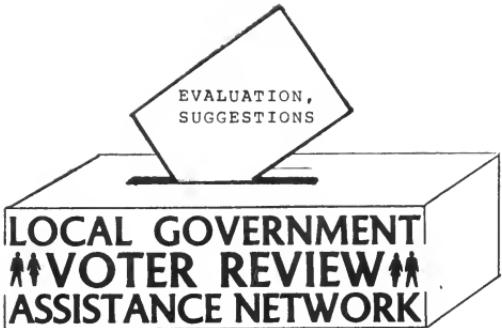
HELENA, MONTANA 59620

A  
B  
C  
D  
E  
F

TAB	# PGS.	TOPIC
	1	FOREWORD
	1	EVALUATION/SUGGESTION FORM
A	2	MAP AND LIST OF 1984 VOTER REVIEW <u>JURISDICTIONS</u>
B	18	NAMES/ADDRESSES OF STUDY <u>COMMISSIONERS</u>
C	12	DESCRIPTION OF <u>NETWORK</u>
D	13	STATE <u>LAWS</u> REGARDING REVIEW PROCESS
E	1	<u>QUICK REFERENCE CHART ON DEADLINES</u> FOR STUDY COMMISSION ACTION
F	16	<u>PROCEDURAL GUIDELINES</u>
G	2	<u>QUICK REFERENCE CHARTS ON FORMS</u> OF LOCAL GOVERNMENT IN MONTANA (LOCATIONS AND DESCRIPTIONS)
H	20	DISCUSSION/ANALYSIS OF <u>FORMS</u> OF LOCAL GOVERNMENT
I	1	<u>QUICK REFERENCE CHART ON OPTIONS</u> WITHIN FORMS (NATURE AND STRUCTURE OF GOVERNMENT)
J	16	DISCUSSION/ANALYSIS OF <u>OPTIONS</u> WITHIN FORMS
K	42	STATE <u>LAWS</u> ON LOCAL GOVERNMENT FORMS AND OPTIONS
L	10	<u>FINANCING</u> CONSIDERATIONS FOR STUDY COMMISSION OPERATIONS
M	6	STATE LAWS FOR PUBLIC BODIES ON "RIGHT OF PARTICIPATION" AND "RIGHT TO KNOW" PROVISIONS
N	3	EXPLANATION ON JOINT STUDIES AND <u>COOPERATION</u>
O	1	<u>QUICK REFERENCE CHART</u> ON LOCAL GOVERNMENT RESPONSIBILITIES IN SUPPORT OF STUDY COMMISSIONS
P	1	<u>QUICK REFERENCE CHART</u> ON BASIC REPORTING REQUIREMENTS
Q	4	SELECTED BIBLIOGRAPHY



A  
B  
C  
D  
E  
F



c/o Lieutenant Governor's Office  
State Capitol  
Helena, Montana 59620  
(406) 444-3111

(EXPLANATION: THE NETWORK IS INTERESTED IN ASSESSING THE EFFECTIVENESS OF THE "MODULAR" MANUAL APPROACH FOR LONG-TERM PLANNING PURPOSES SINCE THE REVIEW CYCLE IS TO OCCUR EVERY TEN YEARS. FOR SHORT-TERM PURPOSES, THE NETWORK IS INTERESTED IN KNOWING WHAT YOU THINK SHOULD BE ADDED. IF YOU WISH, PLEASE NOTE YOUR COMMENTS BELOW AND MAIL IN THIS FORM AFTER YOU HAVE HAD A CHANCE TO USE THE MANUAL A WHILE.)

MY EVALUATION OF THE MANUAL IS:

I'D SUGGEST THE FOLLOWING WHEN THE NETWORK CONSIDERS THE DEVELOPMENT OF FUTURE INSERTS:

OPTIONAL

NAME:  
POSITION:  
ADDRESS:  
TELEPHONE:





State of Montana  
Office of The Lieutenant Governor  
Helena 59620

GEORGE TURMAN  
LIEUTENANT GOVERNOR

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C  
D  
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F

FOREWORD

This Study Commission Manual was prepared for release at a seminar on December 14-15, 1984, sponsored by the Local Government Voter Review Assistance Network. It is the product of a truly collaborative effort. Many of the individual contributors are credited inside. Additionally, I would like to acknowledge some "behind-the-scenes" workers who nurtured the project from idea to reality: first, Cheryl Hutchinson from my office who served as the Manual's chief designer and editor; and, second, the staff from Montana State University's multilith and Extended Studies units who managed its final production under tight time constraints.

The Manual is designed for flexibility. It has quick-reference charts as well as in-depth reference pieces. Emphasis has been placed on achieving a balance with practical, "how-to" information supplemented by academic analysis.

The Manual is intended to provide the basics, and study commissioners are urged to tap the considerable human and material resources that exist in Montana as they conduct their review process.

The Manual is a product of the Local Government Voter Review Assistance Network coordinated by my office. It may be ordered for \$25.00 a copy from: Extended Studies, Montana Hall Room 314, Montana State University, Bozeman, MT 59717. Purchase includes a "subscription service" with updates and additional inserts to be mailed in the coming months.

Your comments and suggestions are welcome. We hope you find it useful.

A handwritten signature in cursive script that reads "George Turman".



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**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

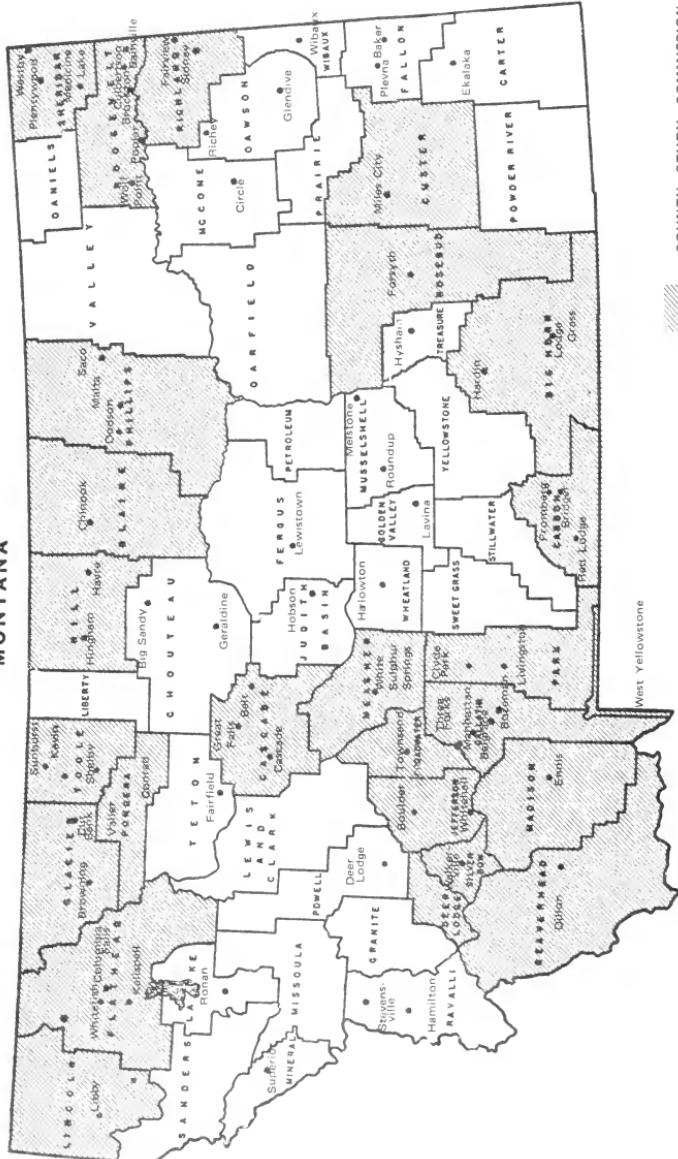
TITLE: MAP AND LIST OF 1984  
VOTER REVIEW JURIS-  
DICTIONS

MANUAL TAB: A  
NUMBER OF PAGES: 2  
DATE: November 15, 1984  
PREPARED BY:

Lieutenant Governor's Office  
based on results reported to  
the Secretary of State

A

## Montana



LOCAL GOVERNMENT REVIEW  
Study Commissions Approved in June, 1984  
And Number of Commissioner Positions

<u>COUNTIES</u>	<u>NUMBER OF COMMISSIONERS*</u>	<u>COUNTIES</u>	<u>NUMBER OF COMMISSIONERS*</u>
Beaverhead	3	Jefferson	5
Big Horn	3	Lincoln	5
Blaine	3	Madison	5
Broadwater	3	Meagher	3
Carbon	3	Park	5
Cascade	5	Phillips	3
Custer	5	Pondera	3
Deer Lodge/Anaconda	5	Richland	3
Flathead	7	Roosevelt	5
Gallatin	5	Rosebud	3
Glacier	3	Sheridan	3
Hill	3	Silver Bow/Butte	9
		Toole	5
 <u>MUNICIPALITIES</u>			
Bainville	3	Kalispell	3
Baker	3	Kevin	3
Belgrade	5	Lavina	3
Belt	3	Lewistown	7
Big Sandy	3	Libby	5
Boulder	3	Livingston	3
Bozeman	5	Lodge Grass	3
Bridger	3	Malta	3
Brockton	3	Manhattan	3
Browning	3	Medicine Lake	3
Cascade	3	Melstone	3
Chinook	3	Miles City	5
Circle	3	Plentywood	5
Clyde Park	3	Plevna	3
Columbia Falls	3	Poplar	3
Conrad	5	Red Lodge	3
Culbertson	3	Richey	3
Cut Bank	3	Ronan	5
Deer Lodge	3	Roundup	3
Dillon	3	Saco	3
Dodson	3	Shelby	5
Ekalaka	3	Sidney	5
Ennis	5	Stevensville	3
Fairfield	3	Sunburst	3
Fairview	3	Superior	3
Forsyth	5	Three Forks	3
Fromberg	5	Townsend	3
Geraldine	3	Valier	3
Clendive	3	Walkerville	5
Great Falls	7	West Yellowstone	3
Hamilton	5	Westby	3
Harlowton	3	White Sulphur Springs	3
Hardin	3	Whitefish	5
Havre	3	Whitehall	3
Hingham	3	Wibaux	5
Hobson	3	Wolf Point	3
Hysham	3		

\*plus one ex-officio member appointed by governing body

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NOTE: The list that follows was based on information as of December 6, 1984. It is incomplete and, because it was compiled from a variety of sources, there may be inaccuracies. There will be a desk at the seminar on Dec. 14-15 at MSU's Student Union Building where updates or corrections will be collected. Therefore, please be prepared to report any changes then so that a new list can be mailed out in the near future.

## LOCAL GOVERNMENT VOTER REVIEW ASSISTANCE NETWORK

TITLE: NAMES/ADDRESSES OF  
STUDY COMMISSIONERS

MANUAL TAB: B  
NUMBER OF PAGES: 18  
DATE: December 6, 1984  
PREPARED BY: Staff, Montana  
Association of Counties

## STUDY COMMISSIONS--MEMBERSHIP

	page		page
Bainville	B-15	Jefferson County	B-9
Baker	B-6	Kalispell	B-7
Beaverhead County	B-2	Kevin	B-17
Belgrade	B-7	Lavina	B-8
Belt	B-4	Lewistown	B-6
Big Horn County	B-2	Libby	B-10
Big Sandy	B-4	Lincoln County	B-10
Blaine County	B-2	Livingston	B-12
Boulder	B-9	Lodge Grass	B-2
Bozeman	B-7	Madison County	B-10
Bridger	B-3	Malta	B-13
Broadwater County	B-3	Manhattan	B-8
Brockton	B-15	Meagher County	B-11
Browning	B-8	Medicine Lake	B-16
Carbon County	B-3	Melstone	B-11
Cascade	B-4	Miles City	B-5
Cascade County	B-4	Park County	B-12
Chinook	B-2	Phillips County	B-12
Circle	B-11	Plentywood	B-16
Clyde Park	B-12	Plevna	B-6
Columbia Falls	B-7	Pondera County	B-13
Conrad	B-13	Poplar	B-15
Culbertson	B-15	Red Lodge	B-3
Cut Bank	B-8	Richey	B-5
Custer County	B-5	Richland County	B-14
Deer Lodge	B-13	Ronan	B-10
Deer Lodge/Anaconda	B-6	Roosevelt County	B-14
Dillon	B-2	Rosebud County	B-15
Dodson	B-12	Roundup	B-12
Ekalaka	B-4	Saco	B-13
Ennis	B-11	Shelby	B-17
Fairfield	B-17	Sheridan County	B-16
Fairview	B-14	Sidney	B-14
Flathead County	B-6	Silver Bow/Butte	B-16
Forsyth	B-15	Stevensville	B-14
Fromberg	B-3	Sunburst	B-17
Gallatin County	B-7	Superior	B-11
Geraldine	B-5	Three Forks	B-8
Glacier County	B-8	Toole County	B-17
Glendive	B-5	Townsend	B-3
Great Falls	B-4	Valier	B-13
Hamilton	B-14	Walkerville	B-16
Harlowton	B-18	West Yellowstone	B-8
Hardin	B-2	Westby	B-16
Havre	B-9	White Sulphur Springs	B-11
Hill County	B-9	Whitefish	B-7
Hingham	B-9	Whitehall	B-9
Hobson	B-10	Wibaux	B-18
Hysham	B-17	Wolf Point	B-15

COUNTY OF BEAVERHEAD - 3 COMMISSIONERS ELECTED

SARAH "SALLY" MALESICH, 9575 HIGHWAY 41, DILLON 59725 PHONE: 683-2012  
BILL TASH, 1200 HIGHWAY 278, DILLON 59725 PHONE: 683-2408  
MICHAEL JOHNSON, 1300 HIGHWAY 91 N., BOX 581, DILLON 59725 PHONE: 683-5232  
EX-OFFICIO MARGARET THOMPSON, 951 E. CENTER, DILLON 59725 PHONE: 683-2127

CITY OF DILLON - BEAVERHEAD COUNTY - 3 COMMISSIONERS ELECTED

MARCY BUSCH, 905 S. WASHINGTON, DILLON 59725	PHONE: 683-4038
LARRY CHAFFIN, 731 E. ORR, DILLON 59725	PHONE: 683-5228
JOE WOMACK, 815 S. WASHINGTON, DILLON 59725	PHONE: 683-4903
EX-OFFICIO - JOE CARROLL, 27 SUNRISE, DILLON 59725	PHONE: 683-5041

COUNTY OF BIG HORN - 3 COMMISSIONERS ELECTED

CITY OF HARDIN, BIG HORN COUNTY - 3 COMMISSIONERS ELECTED

CITY OF LODGE GRASS, BIG HORN COUNTY - 3 COMMISSIONERS ELECTED

CALVIN C. BUCKINGHAM, BOX 536, LODGE GRASS 59050	PHONE: 639-2332
JOYCE GRAY BUCKINGHAM, BOX 536, LODGE GRASS 59050	PHONE: 639-2322
NANCY MULLENBERG, BOX 484, LODGE GRASS 59050	PHONE: 639-2986
EX-OFFICIO	

COUNTY OF BLAINE - 3 COMMISSIONERS ELECTED

WILLIAM R. AMMEND, RTE. 1, BOX 14, TURNER	59542	PHONE: 379-2612
ERNEST S. JOHNSON, RTE 1, BOX 43, CHINOOK	59523	PHONE: 357-4182
VICTOR J. MILLER, P. O. BOX 663, HARLEM	59526	PHONE: 353-2819
EX-OFFICIO MERLE THORSTAD, RT 73, BOX 1, LLOYD	59535	PHONE: 357-4127

CITY OF CHINOOK, BLAINE COUNTY - 2 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED

B  
COUNTY OF BROADWATER - 3 COMMISSIONERS ELECTED

DOUGLAS P. CHRISTIE, R. R. 1, BOX 95, TOWNSEND 59644	PHONE: 266-3585
TED FLYNN, R. R. 1, BOX 29B, TOWNSEND 59644	PHONE: 266-3612
FRANKLIN SLIFKA, BOX 63, TOSTON 59644	PHONE: 266-3575
EX-OFFICIO WILLIAM DUEDE, P. O. BOX 56, TOWNSEND 59644	PHONE: 266-3870

CITY OF TOWNSEND, BROADWATER COUNTY - 2 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED

VINCENT BARRY BURNS, P. O. BOX 882, TOWNSEND 59644	PHONE: 266-3060
BRADFORD WILLIAMS, P. O. BOX 985, TOWNSEND 59644	PHONE: 266-3024
MARY LOU MEYER, BOX 383, TOWNSEND 59644	PHONE: 266-3763
EX-OFFICIO PHYLLIS NEWMAN, BOX 293, TOWNSEND 59644	PHONE: 266-4218

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## COUNTY OF CARBON - 3 COMMISSIONERS ELECTED

SHIRLEY M. LABER, R1, BOX 1213, BRIDGER 59014	PHONE: 662-3696 (HOME) 446-1440 (OFFICE)
ROBERT G. PITCHER, BOX 1148, RED LODGE 59068	PHONE: 446-2859 (HOME) 446-2630 (OFFICE)
ERNIE STRUM, BOX 957, RED LODGE 59068	PHONE: 446-2514 (HOME) 446-2123 (OFFICE)

## EX-OFFICIO

CITY OF BRIDGER, CARBON COUNTY - 2 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED

ROBERT E. LITTLE, P. O. BOX 246, BRIDGER 59014	PHONE: 662-3427
JAMES E. WAGNER, P. O. BOX 0, BRIDGER 59014	PHONE: 662-3463
DON R. CANDLIN, P. O. BOX 127, BRIDGER 59014	PHONE: 662-3548
EX-OFFICIO	

## CITY OF FROMBERG, CARBON COUNTY - 5 COMMISSIONERS

ALVIN T. GEORGE, FROMBERG 59029	PHONE: 668-7490
KAREN PETERS, FROMBERG 59029	PHONE: 668-7418
RICHARD ALBERTA, FROMBERG 59029	PHONE: 668-7378
TONY BRILZ, FROMBERG 59029	PHONE: 668-7752
ROBERT EWALD, FROMBERG 59029	PHONE: 668-7752
EX-OFFICIO TOM KNUTSON 59029	PHONE: 668-7358

## CITY OF RED LODGE, CARBON COUNTY - 3 COMMISSIONERS ELECTED

LYNETTE COLEMAN, DRAWER M, RED LODGE 59068	PHONE: 446-1420 (HOME) 446-1228 (OFFICE)
JANET L. DUNN, P. O. BOX 1738, RED LODGE 59068	PHONE: 446-3430
DORIS M. LOCHRIDGE, P. O. BOX 128, RED LODGE 59068	PHONE: 446-2063
EX-OFFICIO	

## CITY OF EKALAKA, CARTER COUNTY - 3 COMMISSIONERS ELECTED

MELODY A. LOKEN, P. O. BOX 95, EKALAKA 59324  
 PAULINE TOOKE, BOX 367, EKALAKA 59324  
 LUCILE M. VENHAUS, BOX 364, EKALAKA 59324  
 EX-OFFICIO

PHONE: 775-6733  
 PHONE: 775-6234  
 PHONE: 775-6427

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## COUNTY OF CASCADE - 5 COMMISSIONERS ELECTED

BARBARA ANDERSON, RR 2529, GREAT FALLS 59401  
 JOAN BENNETT, 315 - 27ST. SO. GREAT FALLS 59405  
 R.K. (BOB) HAFFNER, 1700 MOUNTAIN VIEW DR, G. FALLS 59405  
 LARRY STRIZICH, 1510 COLORADO AV., BLACK EAGLE 59414  
 SANDRA K. WATTS, 312-4ST. NO., GREAT FALLS 59401  
 EX-OFFICIO PATRICK RYAN, 3035 8TH AVE. SO. G. FALLS 59405

PHONE: 761-6259  
 PHONE: 452-6933  
 PHONE: 761-4890  
 PHONE: 453-1547  
 PHONE: 727-2545  
 PHONE: 761-9667

## CITY OF BELT, CASCADE COUNTY - 3 COMMISSIONERS ELECTED

JAN F. CAHILL, P.O.BOX 181, BELT 59412  
 KATHY E. RYAN, BOX 1032, BELT 59412  
 MARK R. MILLER, BOX 342, BELT 59412  
 EX-OFFICIO

PHONE: 277-4431  
 PHONE: 277-4163  
 PHONE:

## CITY OF CASCADE, CASCADE COUNTY - 3 COMMISSIONERS ELECTED

GARY PRINZING, 130 - 1 ST SOUTH (BOX 637), CASCADE 59421  
 HELEN G. WAREHIME, 13 - 3 ST. NO.(BOX 237), CASCADE 59421  
 ANNA E.(JEAN) DUERR, 355-1ST NO. (BOX 86), CASCADE 59421  
 EX-OFFICIO

PHONE: 468-2686  
 PHONE: 468-2597  
 PHONE: 468-2264

## CITY OF GREAT FALLS, CASCADE COUNTY - 7 COMMISSIONERS ELECTED

JIM DURKIN, 326 - 14 AVE.SO., #8, GREAT FALLS 59405  
 TURNER C. GRAYBILL, 407 RIVERVIEW COURT, GREAT FALLS 59404  
 PAUL A. JOHNSON, 909 DURANGO, GREAT FALLS 59404  
 JERRY J. McGIVERN, 2026 - 5 AVE. SW., GREAT FALLS 59404  
 OWEN ROBINSON, 1029 17TH AVE. SW, GREAT FALLS 59404  
 PATTI HEUSEL SMITH, 4300 - 2 AVE. N., GREAT FALLS 59405  
 DELMONT C. THURBER, 3815 - 5 AVE. SO., G. FALLS 59405  
 EX-OFFICIO

PHONE: 452-4731  
 PHONE: 452-0821  
 PHONE: 453-8805  
 PHONE: 452-7811  
 PHONE: 454-1063  
 PHONE: 453-9305  
 PHONE: 452-0791

## CITY OF BIG SANDY, CHOUTEAU COUNTY - 3 COMMISSIONERS ELECTED

CHUCK SIMPSON, BIG SANDY 59520  
 2. 3 WAY TIE FOR REMAINING TWO POSITIONS  
 3.  
 EX-OFFICIO

PHONE: 378-2363

## CITY OF GERALDINE, CHOUTEAU COUNTY - 3 COMMISSIONERS

BRUCE CLARK, GERALDINE 59446	PHONE: 737-4214
LEONARD THORESON, GERALDINE 59446	PHONE: 737-4252
CLIFFORD SCRIBNER, GERALDINE 59446	PHONE: 737-4402
EX-OFFICIO	

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## COUNTY OF CUSTER - 5 COMMISSIONERS ELECTED

FRED ANDERSON, 1417 PLEASANT, MILES CITY 59301	PHONE: 232-2712
C. R. BARTHOLOMEW, ROUTE 1, BOX 2592, MILES CITY 59301	PHONE: 232-1031
HUGO MUGGLI, TONGUE RIVER STAGE, MILES CITY 59301	PHONE: 232-5578
CHERI HELLAND, P. O. BOX 1011, MILES CITY, 59301	PHONE: 232-6596
H. B. "BROWNIE" VIALL, KINSEY ROUTE, MILES CITY 59301	PHONE: 232-4834
EX-OFFICIO SIDNEY GROVERSTEIN, 2804 PLEASENT, M CITY 59301	PHONE: 232-2007

## CITY OF MILES CITY, CUSTER COUNTY - 5 COMMISSIONERS ELECTED

JOHN R. TOOKE, 704 SOUTH CUSTER, MILES CITY 59301	PHONE: 232-6575
RONALD E. GERSACK, 602 S. PRAIRIE, MILES CITY 59301	PHONE: 232-6018
MARTIN E. LAWRENZ, 818 SOUTH CUSTER, MILES CITY 59301	PHONE: 232-5673
PAUL A. BERGMAN, 1612 TOMPY, MILES CITY 59301	PHONE: 232-6778
JANET R. KELLY, 602 SOUTH STREVELL, MILES CITY 59301	PHONE: 232-1737
EX-OFFICIO	

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CITY OF GLENDALE, DAWSON COUNTY - 1 COMMISSIONERS ELECTED  
2 COMMISSIONERS APPOINTED

JOHN H. JOHNSON, 124 GRESHAM, GLENDALE 59330	PHONE: 365-2982
CLIFF HARMALA	
LOUIS CROSS	
EX-OFFICIO	

CITY OF RICHEY, DAWSON COUNTY - 1 COMMISSIONER ELECTED  
2 COMMISSIONERS APPOINTED

GLEN A. WILLIAMS	
NAME	
NAME	
EX-OFFICIO	

COUNTY OF DEER LODGE/ANACONDA - 5 COMMISSIONERS ELECTED

VAL "BUZZ" GALLE, 2210 LOST CREEK ROAD, ANACONDA 59711	PHONE: 563-6096
SHEILA MESSER, 514 PINE STREET, ANACONDA 59711	PHONE: 563-6021
JANE QUANE ANDERSON, 605 E. FRONT ST., ANACONDA 59711	PHONE: 563-2861
DEAN BEALL, 1918 TAMMANY, ANACONDA 59711	PHONE: 563-3805
MIKE FINNEGAN, 3211 HIGHWAY 10-A, ANACONDA 59711	PHONE: 563-2847
EX-OFFICIO HAROLD ERICKSON	



CITY OF BAKER, FALLON COUNTY - 3 COMMISSIONERS ELECTED

CITY OF PLEVNA - FALLON COUNTY - 3 COMMISSIONERS ELECTED

CITY OF LEWISTOWN FERGUS COUNTY - 7 COMMISSIONERS - ELECTED

RON BALAS, 1210 WEST MONTANA STREET, LEWISTOWN 59457  
CAROL FRISBEE, 602 VIRGINIA, LEWISTOWN 59457  
MARJORY J. KELLER, 924 WEST WATSON, LEWISTOWN 59457  
MICHAEL MCKENNA, 104 2ND ST. N.W., LEWISTOWN 59457  
DUSTIN M. ROLFNESS, 113 HAWTHORNE AV., LEWISTOWN 59457  
STEPHEN M. SUAZO, 308 WEST WASHINGTON, LEWISTOWN 59457  
LAWRENCE J. VANEK, 818 W. WATER ST., LEWISTOWN 59457  
EX-OFFICIO  
PHONE: 538-5259  
PHONE: 538-9603  
PHONE: 538-8295  
PHONE: 538-7749  
PHONE: 538-9420  
PHONE: 538-5166  
PHONE: 538-3747

COUNTY OF FLATHEAD - 7 COMMISSIONERS ELECTED

H.W.C. "DOC" NEWBERRY, 1465 HIGHWAY 35, KALISPELL 59901	PHONE: 752-3666
GARY R. ELLIOTT, P. O. BOX 756, WHITEFISH 59337	PHONE: 862-7048
BECKY SAUNDERS, 121 CENTRAL AVENUE, WHITEFISH 59937	PHONE: 862-4863
ED GROGAN, 130 HEUTH LANE, WHITEFISH 59937	PHONE: 862-5686
ROBERT W. HAPP, P. O. BOX 1117, KALISPELL 59901	PHONE: 755-4201
VERA JEAN HECKATHORN, P. O. BOX 496, WHITEFISH 59937	PHONE: 862-2159
JANE G. OTTEN, 695 ECHO LAKE ROAD, BIGFORK 59911	PHONE: 837-6135
EX-OFFICIO	

**B** CITY OF COLUMBIA FALLS, FLATHEAD COUNTY - 2 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED

NELSON McDONALD, BOX 1035, COLUMBIA FALLS 59912	PHONE:
MARGARET A. NORBY, P. O. BOX 400, COLUMBIA FALLS 59912	PHONE:
3.	
EX-OFFICIO	

CITY OF KALISPELL, FLATHEAD COUNTY - 3 COMMISSIONERS ELECTED

JIM ATKINSON, 503 5TH AVENUE EAST, KALISPELL 59901	PHONE: 257-2087
MRS. FRANCIS McALLISTER, 326 6TH AVE. E., KALISPELL 59901	PHONE: 755-2790
FRANCIS T. O'BOYLE, 161 5TH AVE. WN, KALISPELL 59901	PHONE: 257-3341
EX-OFFICIO	

CITY OF WHITEFISH, FLATHEAD COUNTY - 5 COMMISSIONERS ELECTED

PATRICIA L. JARVI, P. O. BOX 990, WHITEFISH 59937	PHONE: 862-3650
LARID MAXWELL, 25 WASHINGTON, WHITEFISH 59937	PHONE: 862-6120
DON K. McCONNELL, 530 PARKWAY AVENUE, WHITEFISH 59937	PHONE: 862-3071
JERRY E. HANSON, BOX 1214, WHITEFISH 59937	PHONE: 862-4612
GREG BRYAN, BOX 1413, WHITEFISH 59937	PHONE: 862-5962
EX-OFFICIO	

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COUNTY OF GALLATIN - 5 COMMISSIONERS ELECTED

VERNON WESTLAKE, 3186 LOVE LANE, BOZEMAN 59715	PHONE: 388-4380
BARBARA PAUGH, 2444 E. VALLEY CENTER RD, BOZEMAN 59715	PHONE: 388-4836
MIKE WARD, 416 E. STORY, BOZEMAN 59715	PHONE: 587-8569
ELSIE TOWNSEND, 1469 YADON ROAD, MANHATTAN 59741	PHONE: 284-6667
JAMES W. STOREY, 9969 RIVER ROAD, BOZEMAN 59715	PHONE: 586-2812
EX-OFFICIO	

CITY OF BELGRADE, GALLATIN COUNTY - 5 COMMISSIONERS ELECTED

RICHARD D. LINDBURG, P.O. BOX 740, BELGRADE 59714	PHONE: 388-4819
CURTIS J. BACKLIN, P. O. BOX 444, BELGRADE 59714	PHONE: 388-1666
LAVON E. CARTER, P. O. BOX 595, BELGRADE 59714	PHONE: 388-6023
WILLIAM H. CASTO, P. O. BOX 895, BELGRADE 59714	PHONE: 338-6996/1605
ELIZABETH S. McNEAL, P. O. BOX 417, BELGRADE 59714	PHONE: 388-6262/6612
EX-OFFICIO KELLY REIMCHE	

CITY OF BOZEMAN, GALLATIN COUNTY - 5 COMMISSIONERS ELECTED

BEVERLY H. KNAPP, 1317 S. BLACK, BOZEMAN 59715	PHONE: 587-1554
MICHAEL KENNEDY, 440 N. TRACY, BOZEMAN 59715	PHONE: 587-1077
ROBERT K. JOHNSON, 1606 S. ROUSE, BOZEMAN 59715	PHONE: 587-1406
JAY WILSON, 1233 NORTH 8TH, BOZEMAN 59715	PHONE: 587-8365
JAMES L. GOEHRUNG, 309 S. 10TH, BOZEMAN 59715	PHONE: 587-1821
EX-OFFICIO	

## CITY OF MANHATTAN, GALLATIN COUNTY - 3 COMMISSIONERS APPOINTED

1.  
2.  
3.  
EX-OFFICIO

## CITY OF THREE FORKS, GALLATIN COUNTY - 3 COMMISSIONERS ELECTED

JAMES M. AUGHENY, P.O. BOX 102, THREE FORKS 59752	PHONE: 285-3674
DAVID A. MILLER, P. O. BOX 842, THREE FORKS 59752	PHONE: 285-3412
JON A. HESSEN, P. O. BOX 154, THREE FORKS 59752	PHONE: 285-6615
EX-OFFICIO	

## CITY OF W. YELLOWSTONE, GALLATIN COUNTY - 3 COMMISSIONERS ELECTED

STEVEN BOLTON, P.O. BOX 1114, W. YELLOWSTONE 59758	PHONE: 646-9032
CRAIG MATHEWS, P.O. BOX 1037, W. YELLOWSTONE 59758	PHONE: 646-9365
VINCENT "TOM" YOUNG, 535 FIREHOLE AVE. W. YELLOWSTONE	PHONE:
EX-OFFICIO	

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## COUNTY OF GLACIER - 3 COMMISSIONERS ELECTED

CAROL JUNEAU, BROWNING 59417	PHONE: 338-5689
MARK HAEMIG, 226-9TH AVENUE S.E., CUT BANK 59427	PHONE: 873-4941
BECKY KIMMET, BOX 832, CUT BANK 59427	PHONE: 873-5621
EX-OFFICIO DARRYL ONSBERG, CUT BANK 59427	PHONE: 873-5063 EXT. 39

## CITY OF BROWNING, GLACIER COUNTY - 3 COMMISSIONERS APPOINTED

GENE COBELL, BROWNING 59417	PHOHE:
FRED DEROSIER, BROWNING 59417	PHONE:
RANDY JOHNSON, BROWNING 59417	PHONE:
EX-OFFICIO PAUL KINGSON, BROWNING 59417	PHONE:

## CITY OF CUT BANK, GLACIER COUNTY - 3 COMMISSIONERS APPOINTED

LLOYD JACOBSON, CUT BANK 59427	PHONE: 873-4889
JOHN BARBER, CUT BANK 59427	PHONE: 873-2201
MIKE BURNS, CUT BANK 59427	PHONE: 873-2121
EX OFFICIO - PHIL CHETTY, CUT BANK 59427	PHOHE: 873-2121

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## CITY OF LAVINA, GOLDEN VALLEY COUNTY - 3 COMMISSIONERS ELECTED

CHRISTEN LEE, BOX 211, LAVINA 59046	PHONE: 636-4230
PATRICIA A. PETTIT, BOX 207, LAVINA 59046	PHONE: 636-4341
3. TIE FOR 3RD COMMISSIONER	
EX-OFFICIO	

AS OF DEC 6, 1984

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**B  
COUNTY OF HILL - 3 COMMISSIONERS ELECTED**

DANIEL MORSE, ROUTE 1-BOX 8, HAVRE 59501  
 KAY NORENBERG, BOX 165, RUDYARD 59540  
 ARNOLD C. PETERSON, 1220 5TH STREET, HAVRE 59501  
 EX-OFFICIO

PHONE: 394-2373  
 PHONE: 355-4106  
 PHONE: 265-9567

**CITY OF HAVRE, HILL COUNTY - 3 COMMISSIONERS ELECTED**

JOAN BACHINI, 34 SADDLE BUTTE DRIVE, HAVRE 59501  
 CHARLES J. GALLUS, P. O. BOX 746, HAVRE 59501  
 DOTTI MUELLER, 607 FIRST AVENUE, HAVRE 59501  
 EX-OFFICIO

PHONE: 265-6471  
 WORK PHONE: 265-6796  
 PHONE: 265-6924

**CITY OF HINGHAM, HILL COUNTY - 3 COMMISSIONERS ELECTED**

ROBERT W. MCKINLEY, P. O. BOX 172, HINGHAM 59528  
 RON YOUSO, P. O. BOX 21, HINGHAM 59528  
 LARRY HORINEK, P. O. BOX 154, HINGHAM 59528  
 EX-OFFICIO

PHONE: 397-3127  
 PHONE: 397-3114  
 PHONE: 397-3320

**COUNTY OF JEFFERSON - 5 COMMISSIONERS ELECTED**

CAROLYN LEWIS, STAR RTE., BOULDER 59632  
 W. E. STEVENS, P. O. BOX 609, BOULDER 59632  
 JACK THIEL, P. O. BOX 438, BOULDER 59632  
 EDWARD J. CLARKE, P. O. BOX 314, WHITEHALL 59759  
 K. A. "KIM" HARRIS, P. O. BOX 551, BOULDER 59632  
 EX-OFFICIO

PHONE: 225-4322  
 PHONE: 225-3979  
 PHONE: 225-3833  
 PHONE: 287-3343  
 PHONE: 225-4387

**CITY OF BOULDER, JEFFERSON COUNTY - 3 COMMISSIONERS - ELECTED**

ALAN BROERE, BOX 389, BOULDER 59632  
 LINDA NORDEN, P. O. BOX 642, BOULDER 59432  
 BARBARA KONESKY PATRICK, P. O. BOX 772, BOULDER 59632  
 EX-OFFICIO

PHONE: 225-3701  
 PHONE: 225-3879  
 PHONE: 225-3701

**CITY OF WHITEHALL, JEFFERSON COUNTY - 3 COMMISSIONERS - APPOINTED**

AL GRAESSER, BOX 102, WHITEHALL 59759  
 2.  
 3.  
 EX-OFFICIO

PHONE: 287-3458

## CITY OF HOBSON, JUDITH BASIN COUNTY - 3 COMMISSIONERS ELECTED

CLYDE GORE, HOBSON 59452  
 RICK MCINTYRE, HOBSON 59452  
 GARY RAFTER, HOBSON 59452  
 EX-OFFICIO

PHONE: 423-5457  
 PHONE: 423-5503  
 PHONE: 423-5425

## CITY OF RONAN, LAKE COUNTY - 5 COMMISSIONERS ELECTED

SHIRLEY ANNE CORDIS, 107 EISENHOWER S.E., RONAN 59863  
 JOHN B. FRENCH, 604 BUCHANAN S.W., RONAN 59863  
 MARILYN TANNER, 622 DAYTON S.W. RONAN 59863  
 JAMES FUHRMANN, BOX 623, RONAN 59864  
 THOMAS S. WALCHUK, BOX 792, RONAN 59864  
 EX-OFFICIO

PHONE:  
 PHONE:  
 PHONE:  
 PHONE:  
 PHONE:  
 PHONE:

## LINCOLN COUNTY - 5 COMMISSIONERS ELECTED

DONALD L. BURRELL, P. O. BOX 480, LIBBY 59923  
 ROBERT R. GRUBER, P. O. BOX 1108, LIBBY 59923  
 RAY E. HEDAHL, RT. 2, BOX 651-A, LIBBY 59923  
 DENNIS SOUTHER, STAR RT. 1, BOX 40, LIBBY 59923  
 GEORGE NEILS, STAR RT. 1, BOX 154, LIBBY 59923  
 EX-OFFICIO

PHONE: NONE  
 PHONE: 293-9048  
 PHONE: 293-3998  
 PHONE: 293-8108  
 PHONE: NONE

## CITY OF LIBBY, LINCOLN COUNTY - 5 COMMISSIONERS ELECTED

DONALD HOWARD, 408 WEST OAK, LIBBY 59923  
 DANIEL O. LARSON, 110 EAST OAK, LIBBY 59923  
 FRANK NELSON, JR., 720 CALIFORNIA AVENUE, LIBBY 59923  
 FRANCIS PECK, RT. 3, BOX 1451-C, LIBBY 59923  
 GELA RAE KOEHLER, 1302 MONTANA AVENUE, LIBBY 59923  
 EX-OFFICIO

PHONE: 293-7219  
 PHONE: 293-3304  
 PHONE: 293-5075  
 PHONE: 293-5269  
 PHONE: 293-5075

## COUNTY OF MADISON - 5 COMMISSIONERS ELECTED

BEVERLY LAKE, RR 2, BOX 234, ENNIS 59729  
 DONALD J. KIRBY, BOX 692, ENNIS 59729  
 DALE M. KELLOGG, BOX 271, VIRGINIA CITY 59755  
 CHESTER LLOYD JONES, BOX 176, ENNIS 59729  
 DOUGLAS ALLEN, BOX 715, SILVER STAR 59751  
 EX-OFFICIO

PHONE: 682-7283  
 PHONE: 682-7160  
 PHONE: 843-5412  
 PHONE: 682-4393  
 PHONE: 684-5415

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## CITY OF ENNIS, MADISON COUNTY - 5 COMMISSIONERS ELECTED

F. J. "JIM" SHIVELY, ENNIS 59729	PHONE: 682-4931
ROY PEDERSON, ENNIS 59729	PHONE: 682-7443
WAYNE BLACK, ENNIS 59729	PHONE: 682-7349
JACK KIRBY, ENNIS 59729	PHONE: 682-4881
DAVID BOWMAN, ENNIS 59729	PHONE: 682-4920
EX-OFFICIO - NEIL KENT, ENNIS 59729	

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## CITY OF CIRCLE, MCCONE COUNTY - 3 COMMISSIONERS ELECTED

JOHN SHENNUM, BOX 173, CIRCLE 59215	PHONE: 485-2593
HOWARD LYTTLE, BOX 254, CIRCLE 59215	PHONE: 485-3416
THOMINNA BROWN, BOX 216, CIRCLE 59215	PHONE: 485-2620
EX-OFFICIO	

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## COUNTY OF MEAGHER - 3 COMMISSIONERS

L. EDWARD LYNG, P. O. BOX 781, W. SULPHUR SPRINGS 59645	PHONE: 547-2292
ELMER SCHYE, P. O. BOX 504, W. SULPHUR SPRINGS 59645	PHONE: 547-3537
WILLARD E. VANNETT, P.O. BOX 463, W. SULPHUR SPRINGS 59645	PHONE: 547-2230
EX-OFFICIO JEFF DOGGETT, P.O. BOX 729, W. SULPHUR SPRINGS	PHONE: 547-3471

## CITY OF WHITE SULPHUR SPRINGS, MEAGHER COUNTY - 3 COMMISSIONERS

L. EDWARD LYNG, P. O. BOX 781, W. SULPHUR SPRINGS 59645	PHONE: 547-2292
ELMER SCHYE, P. O. BOX 504, W. SULPHUR SPRINGS 59645	PHONE: 547-3537
WILLARD E. VANNETT, P.O. BOX 463, W. SULPHUR SPRINGS 59645	PHONE: 547-2230
EX-OFFICIO	

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## CITY OF SUPERIOR, MINERAL COUNTY - 3 COMMISSIONERS ELECTED

JOSEPH B. SPANGLER, BOX 538, SUPERIOR 59872	PHONE: 822-4880
JOHN E. PETERS, BOX 760, SUPERIOR 59872	PHONE: 822-4931
JOHN A. ANDERSON, BOX 325, SUPERIOR 59872	PHONE: 822-4644
EX-OFFICIO	

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## CITY OF MELSTONE, MUSSELSHELL COUNTY - 3 COMMISSIONERS APPOINTED

BONITA OPIS, MELSTONE 59054	PHONE: 358-2422
PAUL ZENTNER, MELSTONE 59054	PHONE: 358-2321
PATTY LANG, MELSTONE 59054	PHONE: 358-2432
EX-OFFICIO CLARA MAE SPEK, BOX 7, MELSTONE 59054	PHONE: 358-2301

CITY OF ROUNDUP, MUSSELSHELL COUNTY - 3 COMMISSIONERS ELECTED

COUNTY OF PARK - 5 COMMISSIONERS ELECTED

ROGER CASE, 115 SOUTH YELLOWSTONE, LIVINGSTON 59047	PHONE: 222-0589
URANA CLARKE, 9TH STREET ISLAND, LIVINGSTON 59047	PHONE: 222-0383
NANCY KIRKPATRICK, RTE 85, BOX 4172, LIVINGSTON 59047	PHONE: 222-0283
ALLYN W. O'HAIR, P. O. BOX 955, LIVINGSTON 59047	PHONE: 222-2979
STAN SYKES, ROUTE 62, BOX 3059, LIVINGSTON 59047	PHONE: 222-3256
EX-OFFICIO	

CITY OF CLYDE PARK. PARK COUNTY - 4 COMMISSIONERS APPOINTED

RETHA MYRSTOL, CLYDE PARK	59018	PHONE: 686-4472
JO WEST, CLYDE PARK	59018	PHONE: 686-4345
MARY SARAZIN, CLYDE PARK	59018	PHONE: 686-4447
DON OBERQUELL, CLYDE PARK	59018	
EX-OFFICIO ALICE HARTMAN, CLYDE PARK	59018	PHONE: 686-4988

CITY OF LIVINGSTON, PARK COUNTY - 3 COMMISSIONERS ELECTED

COUNTY OF PHILLIPS - 3 COMMISSIONERS ELECTED

CITY OF DODSON - PHILLIPS COUNTY - 3 COMMISSIONERS ELECTED

## CITY OF MALTA, PHILLIPS COUNTY - 3 COMMISSIONERS ELECTED

MICHAEL TRAYNOR, JR., 550 SO. 2ND ST. E. MALTA 59538  
 GEORGE KNUDSEN, 220 SO. 1ST W., MALTA 59538  
 RICHARD BARNARD, MALTA 59538  
 EX-OFFICIO

PHONE: 654-2786  
 PHONE: 654-1224  
 PHONE:

## CITY OF SACO, PHILLIPS COUNTY - 3 COMMISSIONERS ELECTED

DICK BROSSEAU, 112 WALNUT, SACO 59261  
 RALPH KORMAN, 119 1ST AVENUE, SACO 59261  
 WILBUR BRYSON, 114 CONANT, SACO 59261  
 EX-OFFICIO

PHONE: 527-3522  
 PHONE: 527-3406  
 PHONE: 527-3259

## COUNTY OF PONDERA - 3 COMMISSIONERS ELECTED

PAUL T. LAHR, STAR ROUTE BOX 9, CONRAD 59425  
 TOM MELLOTT, 16 NORTH WISCONSIN, CONRAD 59425  
 BOB SIMONSON, JR., RTE. 3 BOX 312, CONRAD 59425  
 EX-OFFICIO

PHONE: 278-3027  
 PHONE: 278-5883  
 PHONE: 278-3637

## CITY OF CONRAD, PONDERA COUNTY - 5 COMMISSIONERS ELECTED

KIMBERLY A. BAUMANN, 923 1ST AVENUE N.W., CONRAD 59425  
 DALE S. FARRELL, 306 S. WISCONSIN, CONRAD 59425  
 BRIAN HARRISON, 218 SOUTH MARYLAND #15, CONRAD 59425  
 CAROL HOLSTEIN, 606 SOUTH WISCONSIN, CONRAD 59425  
 GRAYDON D. MOLL, 13 N. VIRGINIA, CONRAD 59425  
 EX-OFFICIO

PHONE: 278-5624  
 PHONE: 278-5316  
 PHONE: 278-5341  
 PHONE: 278-5993  
 PHONE: 278-5345

## CITY OF VALIER, PONDERA COUNTY - 3 COMMISSIONERS APPOINTED

RICHARD SIROKMAN, VALIER 59486  
 CLAYTON BRIDEN, VALIER 59486  
 MARGARET HODGSON, VALIER 59486  
 EX-OFFICIO

PHONE: 279-3238  
 PHONE: 279-3236  
 PHONE: 279-3372

## CITY OF DEER LODGE, POWELL COUNTY - 3 COMMISSIONERS ELECTED

JUNE GETCHELL, 806 ST. MARY'S, DEER LODGE 59722  
 SUSAN MASAR, 817 MISSOURI AVENUE, DEER LODGE 59722  
 LOUIS ETHEREDGE, 618 KENTUCKY, DEER LODGE 59722  
 EX-OFFICIO

PHONE: 846-2117  
 PHONE: 846-2057  
 PHONE: 846-2032

## CITY OF HAMILTON, RAVALLI COUNTY - 5 COMMISSIONERS ELECTED

JOHN G. EDMONDS, 124 N. 8TH, HAMILTON 59840	PHONE: 363-1397
MELVIN MONSON, 509 S. 2ND, HAMILTON 59840	PHONE: 363-3536
BETH MILLER, 905 S. 2ND, HAMILTON 59840	PHONE: 363-2111
JANET (JAN) PALANIUK, 410 N. 10TH APT 11, HAMILTON 59840	PHONE: 363-5385
JIM PARKER, 212 S. 3RD, HAMILTON 59840	PHONE: 363-2158
EX-OFFICIO	

## CITY OF STEVENSVILLE, RAVALLI COUNTY - 3 COMMISSIONERS ELECTED

JAMES R. TESLOW, 102 PETERSIN PL., STEVENSVILLE 59870	PHONE: 777-3836
JOHN VERBURG, 310 8TH ST., STEVENSVILLE 59870	PHONE: 777-3879
BRUCE NELSON, 403 COLLEGE ST., STEVENSVILLE 59870	PHONE: 777-2369
EX-OFFICIO	

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## COUNTY OF RICHLAND - 3 COMMISSIONERS ELECTED

ROD T. JOHNSON, P. O. BOX 52, CRANE 59217	PHONE: 482-4614
GARY A. SHAW, STAR RT. BOX 21 E., LAMBERT 59243	PHONE: 774-3702
KARLON S. SCHMITT, 222 4TH AVENUE N.E., SIDNEY 59270	PHONE: 482-2364
EX-OFFICIO	

## CITY OF FAIRVIEW, RICHLAND COUNTY - 3 COMMISSIONERS ELECTED

DARLENE GABLE, FAIRVIEW 59221	PHONE: 747-5448
PAUL J. TRUDELL, 322 WEST 3RD, FAIRVIEW 59221	PHONE: 747-5849
MILDRED DELANEY, P. O. BOX 599, FAIRVIEW 59221	PHONE: 747-5781
EX-OFFICIO	

## CITY OF SIDNEY, RICHLAND COUNTY - 5 COMMISSIONERS ELECTED

W. R. (BILL) WILKINSON, P. O. BOX 289, SIDNEY 59270	PHONE: 482-2586
ELDEN KEMMIS, 1201 JUNIPER, SIDNEY 59270	PHONE: 482-2562
HAROLD L. MERCIER, 307 2ND AVENUE S. E., SIDNEY 59270	PHONE: 482-1534
NICOLE BEYER, 411 2ND STREET S. E., SIDNEY 59270	PHONE: 482-4352
HARRY CHILD, 903 WEST MAIN, SIDNEY 59270	PHONE: 482-1778
EX-OFFICIO	

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## COUNTY OF ROOSEVELT - 5 COMMISSIONERS ELECTED

ALDON E. LEE, 329 HILL ST., WOLF POINT 59201	PHONE: 653-1956
CARSTEN BECK, BOX 291, CULBERTSON 59218	PHONE: 787-6684
ROBERT R. BELL, BOX 190, CULBERTSON 59218	PHONE: 787-6682
BURLE T. NYGAARD, BOX 2015, WOLF POINT 59201	PHONE: 392-5513
SHARON MOHR, BOX 476, CULBERTSON 59218	PHONE: NONE
EX-OFFICIO	

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## CITY OF BAINVILLE, ROOSEVELT COUNTY - 3 COMMISSIONERS ELECTED

SHEILA M. COULSTON, BOX 105, BAINVILLE 59212  
 MARY E. KNUDSEN, BOX 156, BAINVILLE 59212  
 PATRICIA PICARD, BOX 82, BAINVILLE 59212  
 EX-OFFICIO

PHONE: 769-2571  
 PHONE: 769-3031  
 PHONE: 769-3861

## CITY OF BROCKTON, ROOSEVELT COUNTY - 3 COMMISSIONERS APPOINTED

VERA HOLLOW, BROCKTON 59213  
 ADRIAN SPOTTEDBIRD, BROCKTON 59213  
 ALPHEUS BIGHORN, JR. BROCKTON 59213  
 EX-OFFICIO JAMES DILLON, BROCTON 59213

PHONE: 786-3282  
 PHONE: 786-3235  
 PHONE: 786-3314

CITY OF CULBERTSON, ROOSEVELT COUNTY - 2 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED

SHARON MOHR, BOX 476, CULBERTSON 59218  
 CARSTEN BECK, BOX 291, CULBERTSON 59218  
 3.  
 EX-OFFICIO

PHONE: NONE  
 PHONE: 787-6684

## CITY OF POPLAR, ROOSEVELT COUNTY - 3 COMMISSIONERS ELECTED

AL AULT, BOX 86, POPLAR 59255  
 DAWN KAY NELSEN, BOX 1174, POPLAR 59255  
 HOWARD L. SMITH, BOX 561, POPLAR 59255  
 EX-OFFICIO

PHONE: 768-3395  
 PHONE: 768-3357  
 PHONE: 768-3710

## CITY OF WOLF POINT, ROOSEVELT COUNTY - 3 COMMISSIONERS ELECTED

MALISSE (LEE) T. MAHLUM, 930 2ND AVE. N., WOLF POINT 59201 PHONE: 653-1716  
 SHARON DSCHAAK, 121 ANACONDA, WOLF POINT 59201 PHONE: 653-1320  
 JULIUS FRIESEN, BOX 159, WOLF POINT 59201 PHONE: 653-2067  
 EX-OFFICIO

## COUNTY OF ROSEBUD - 3 COMMISSIONERS ELECTED

SUSAN BRAINE, LAME DEER 59043  
 JOHN ROBINSON, LAME DEER 59043  
 CAROL RED CHERRIES, LAME DEER 59043  
 EX-OFFICIO ELDON RICE, (CO. PLANNER), FORSYTH 59327 PHONE: 356-7551(WORK)

## CITY OF FORSYTH, ROSEBUD COUNTY - 5 COMMISSIONERS ELECTED

SUZANNE BROOKS, FORSYTH 59327 PHONE: 356-2149  
 JIM MORRIS, FORSYTH 59327 PHONE:  
 LARRY KAUTZMAN, FORSYTH 59327 PHONE: 356-2715  
 JEANNIE HEKKEL, FORSYTH 59327 PHONE: 256-2251  
 JUNE MacCONNELL, FORSYTH 59327 PHONE: 356-2175  
 EX-OFFICIO - BOB MARTINEK, PHONE: 356-2526  
 EX-OFFICIO - JUNE CLARK, PHONE: 356-2672

## COUNTY OF SHERIDAN - 3 COMMISSIONERS ELECTED

DOUG SMITH, BOX 191, PLENTYWOOD 59254  
 JERI FLOM, BOX 114, RESERVE 59258  
 LESTER NIELSEN, RURAL ROUTE, RESERVE 59258  
 EX-OFFICIO

PHONE: 765-1445  
 PHONE: 286-5448  
 PHONE: 286-5472

## CITY OF MEDICINE LAKE, SHERIDAN COUNTY - 3 COMMISSIONERS ELECTED

MARCI MICHELS, MEDICINE LAKE 59247  
 MARGE MICHELS, MEDICINE LAKE 59247  
 GUDRUN VIK KAMPEN, MEDICINE LAKE 59247  
 EX-OFFICIO

PHONE: 789-2424  
 PHONE: 789-2274  
 PHONE: 789-2366

## CITY OF PLENTYWOOD, SHERIDAN COUNTY - 5 COMMISSIONERS ELECTED

BILL STALLARD, 613 LAUREL AVE, PLENTYWOOD 59254  
 DEAN GLOVER, 777 JAMES DR., PLENTYWOOD 59254  
 RANDY MATZKE, 310 N. JACKSON, PLENTYWOOD 59254  
 EUGENE V. LAGERQUIST, 201 N. POPULAR, PLENTYWOOD 59254  
 FAUNA ALLEN, 418 N. HAZEL, PLENTYWOOD 59254  
 EX-OFFICIO

PHONE: 765-2833  
 PHONE: 765-1824  
 PHONE: 765-2713  
 PHONE: 765-1442  
 PHONE: 765-2155

## CITY OF WESTBY, SHERIDAN COUNTY - 3 COMMISSIONERS ELECTED

KAREN MEYER, WESTBY 59275  
 SANDRA ELM, WESTBY 59275  
 LORNA LAQERQUIST, WESTBY 59275  
 EX-OFFICIO

PHONE: 385-2351  
 PHONE: 385-2356  
 PHONE: 385-2280

## COUNTY OF SILVER BOW/BUTTE - 9 COMMISSIONERS

JOHN S. (JACK) WULF, Divide 59727  
 R. EMMETT DOLAN, BOX 3576, BUTTE 59701  
 JANET C. GALLAGHER, 1326 W. GOLD, BUTTE 59701  
 RICHARD T. (RICK) GRIFFITH, 135 RYE, BUTTE 59701  
 HENRY McCLEERNAN, 3 NORTH EXCELSIOR, BUTTE 59701  
 WM (OAKIE) O'CONNER, 428 NORTH ALABAMA, BUTTE 59701  
 DR. DAN O'NEILL, 519 EAST FRONT, BUTTE 59701  
 DR. J. MICHAEL SADAJ, 3465 QUINCY, BUTTE 59701  
 MIKE SHEA, 1001 WEST WOOLMAN, BUTTE 59701  
 EX-OFFICIO

PHONE: 267-3353  
 PHONE: 782-6163  
 PHONE: 782-8624  
 PHONE: 494-3836  
 PHONE: 782-8438  
 PHONE: 782-2573  
 PHONE: 732-3251  
 PHONE: 494-6661  
 PHONE: 782-5773

## CITY OF WALKERVILLE, SILVER BOW COUNTY - 5 COMMISSIONERS ELECTED

LINDA MARSH, 93 BLUE WING, WALKERVILLE 59701  
 PHYLLIS LILLIAN RICKEY, 1512 NORTH MAIN, WALKERVILLE 59701  
 BIRDIE MULLANEY  
 KATHLEEN SPARKS  
 JOHN REIS  
 EX-OFFICIO

PHONE: 782-9405  
 PHONE: 723-4421

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## CITY OF FAIRFIELD, TETON COUNTY - 3 COMMISSIONERS ELECTED

BERNARD C. BISSELL, BOX 34, FAIRFIELD 59436  
 MICHAEL WM. JOHNSON, BOX 54, FAIRFIELD 59436  
 CARLISLE H. KRUSI, BOX 548, FAIRFIELD 59436  
 EX-OFFICIO - EILEEN EISENMAN

PHONE: 467-2362  
 PHONE: 467-2350  
 PHONE: 467-2466

COUNTY OF TOOLE - 4 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED

LARRY MUNSON, BOX 36, DEVON STAR ROUTE, SHELBY 59474  
 MYRNA JOY WOLLAN, P. O. BOX 14, SHELBY 59474  
 STUART HOWELL, 974 NORTH MARIAS, SHELBY 59474  
 DWAINE IVERSON, 302-12TH AVE. NORTH, SHELBY 59474  
 ROBERT RICHMAN, 114 12TH AVE. NORTH, SHELBY 59474  
 EX-OFFICIO J. G. GOTTFRIED, BOX 166, SWEETGRASS 59484

PHONE: 432-2182  
 PHONE: 434-5055  
 PHONE: 434-5013  
 PHONE: 434-5744  
 PHONE: 434-7150  
 PHONE: 434-5121

## CITY OF KEVIN, TOOLE COUNTY - 3 COMMISSIONERS ELECTED

OBERT CARLSON, KEVIN 59454  
 LUCY MICHAUD, KEVIN 59454  
 PAMELA E. PORTER, KEVIN 59454  
 EX-OFFICIO

PHONE: 337-2801  
 PHONE: 337-2711

## CITY OF SHELBY, TOOLE COUNTY - 5 COMMISSIONERS ELECTED

CHARLES L. TURNER, 935 MARIAS AVE., SHELBY 59474  
 R. J. BURNS, 431-1 SOUTH, SHELBY 59474  
 W. PAT PARDIS, 529-5 SOUTH, SHELBY 59474  
 IRENE SPANGLER GOTTFRIED, 999 - 2ND ST. S., SHELBY 59474  
 RUTH FLESCH, 218 PLUM, SHELBY 59474  
 EX-OFFICIO BENNO (BEN) OBER, 963 N TETON AVE. SHELBY 59474

PHONE: 434-2813  
 PHONE: 434-5712  
 PHONE: 434-2989  
 PHONE: 434-2329  
 PHONE: 434-5680  
 PHONE: 434-2509

## CITY OF SUNBURST, TOOLE COUNTY - 3 COMMISSIONERS APPOINTED

LAWRENCE FAUQUE, SUNBURST 59482  
 ROBERT ROSS, SUNBURST 59482  
 ELLEN JOYCE SCHRAMMECK, SUNBURST 59482  
 EX-OFFICIO

PHONE: 937-2101  
 PHONE: 937-7155  
 PHONE: 937-2481

## CITY OF HYSHAM, TREASURE COUNTY - 3 COMMISSIONERS ELECTED

EUNICE ACHTENBERG, BOX 471, HYSHAM 59038  
 VICKY FINK, BOX 61, HYSHAM 59038  
 KAY MAASCH, BOX 134, HYSHAM 59038  
 EX-OFFICIO

PHONE: 342-5321  
 PHONE: 342-5518  
 PHONE: 342-5277

CITY OF HARLOWTON, COUNTY OF WHEATLAND - 1 COMMISSIONER ELECTED  
2 COMMISSIONERS APPOINTED

WARREN ELWOOD, BOX 8, HARLOWTON 59036

PHONE:

REUBEN JOHNSON, HARLOWTON 59036

PHONE:

DOROTHY MORANG, HARLOWTON 59036

PHONE:

EX-OFFICIO

CITY OF WIBAUX, WIBAUX COUNTY - 5 COMMISSIONERS ELECTED

WAYNE P. MARCUS, 302 W 1ST AVE. NORTH, WIBAUX 59353

PHONE: 795-2467

DANIEL L. SEBASTIAN, 110 1/2 SOUTH WIBAUX, WIBAUX 59353

PHONE: 795-8157

MICHAEL W. NICOSIA, 304 S. BEAVER, WIBAUX 59353

PHONE: 795-2976

DON H. CHAFFEE, 205 N F, WIBAUX 59353

PHONE: 795-2942

RAYMOND M. STUBBERUD, 201 E LINCOLN AVE, WIBAUX 59353

PHONE: 795-2294

EX-OFFICIO

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TITLE: DESCRIPTION OF NETWORK

**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

MANUAL TAB: C  
NUMBER OF PAGES: 12  
DATE: November 30, 1984  
PREPARED BY: Network Participants

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# **LOCAL GOVERNMENT VOTER REVIEW ASSISTANCE NETWORK**

## **BACKGROUND**

In the 1970s when the 10-year local government review cycle was initiated, there was substantial state support as well as several federal grants to make an assistance program available to local study commissions in Montana. A special state commission with staff produced numerous publications, presented workshops and gave extensive technical assistance.

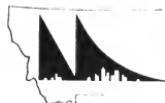
Unlike the 1970s, the legislature made no provision for state-level resources during the 1980s review cycle. The Administration and the state's local government associations, however, realized in June 1984 -- when voters in 98 of Montana's 181 local units voted to authorize study commissions -- that some assistance would be requested. Cooperation within available resources was the answer, so inquiries to higher education institutions and other organizations were made. In late September 1984, the Local Government Voter Review Assistance Network was formed.

## **DESCRIPTION**

The Network is coordinated by the Office of the Lieutenant Governor in Helena. As of November 1984, there are 11 Network participants, but any other organization that can lend expertise to the statewide review effort is considered eligible to join. A Coordinating Council representing participants in the Network meets occasionally to plan Network-sponsored activities (e.g., seminars, reference materials, mailings) and to assess needs. The Coordinating Council has adopted a "modular approach" to development of training and reference materials; there is a commitment, for instance, to cover "the basics" in late 1984, with more in-depth topical follow-up probably during the summer of 1985 after study commissions have completed organizational aspects and preliminary review work. There is no budget for the Network as such, so professional services are contributed and fees are applied where necessary to recover meeting, materials and selected other actual costs.

Descriptions of individual Network participants appear on the following pages. Inquiries about or suggestions to the Network should be directed to:

Local Government Voter Review Assistance Network  
c/o Office of the Lieutenant Governor  
State Capitol  
Helena, Montana 59620  
406/444-3111



# Montana League of Cities and Towns

PO BOX 1704

HELENA, MONTANA 59624

PHONE 406 442 8768

Dear Municipal Government Study Commission Members:

For the past 53 years, the Montana League of Cities and Towns has represented the interests of municipal government in this state.

In addition to working with the legislature, a primary responsibility of the League is to provide technical assistance to its members. The League is prepared to answer questions on organization, management, finance and other aspects of local government. These advisory services will be available to municipal study commissions throughout the local government review process.

The League of Cities and Towns represents more than 120 municipal governments of all classifications across the state. It relies on the participation of the membership and is committed to a continuing exchange of information on new developments in municipal government policies and procedures.

The League, through its membership, has developed a solid working knowledge of city and town operations, and we intend to make this practical experience available to municipal study commissions.

Best wishes for the successful completion of a difficult and important job.

Sincerely,

*Alec Hansen*  
Alec N. Hansen  
Executive Director

# MONTANA ASSOCIATION OF COUNTIES

1802 11th Avenue  
Helena, Montana 59601  
(406) 442-5209

December 1984

## Study Review Commissioners:

The Montana Association of Counties is pleased to be a part of the cooperative effort to provide technical assistance in support of your review of local government.

The Montana Association of Counties (MACo) is a state association whose objectives are:

1. To stimulate the continuing improvement of county government.
2. To serve as spokesman for county government.
3. To contribute to the knowledge and awareness of county government's heritage and its future.
4. To serve as a liaison between the state, counties, and other units of government.
5. To promote public understanding of the role of counties in the system of government.
6. To formulate and promote legislation beneficial to all counties and to the citizens of Montana, and to oppose detrimental legislation.

As the objectives indicate, MACo looks to promote public understanding of county government. Further, MACo serves as an advocate for service delivery improvements so as to better serve the public.

The MACo Board, incumbent commissioners, and MACo staff look forward to assisting you in the review process. As such, our Helena office is prepared to provide our files as an important resource in regard to the many questions that will emerge during the review. The MACo staff will assist you whenever possible, subject only to the limitations of time and financial resources.

County government is one of the oldest forms of government, dating back to the 12th century. This long history speaks to the evolving nature of county government in the face of changing local needs and services.

In the interest of county government in Montana, I am

Sincerely,

  
Gordon Morris  
Executive Director

MACo



Montana State University  
Bozeman, Montana 59717

**Department of Political Science**

College of Letters and Science

Telephone (406) 994-4141

November 30, 1984

The Department of Political Science at Montana State University is pleased to participate in the Local Government Review Network supporting the elected and appointed members of local government study commissions across the state. Our faculty recognizes the challenge and the importance of reviewing local government structures and we believe that Montana's unique commitment to the process should be matched by our commitment to provide all possible assistance.

Several members of our Political Science faculty have considerable experience as consultants and as practitioners in the local government and politics of Montana's unique social and economic environment. We would be especially pleased to assist study commissions in organizing and planning their timetable; conducting community surveys including the related statistical analysis; assessing community needs; evaluating and comparing the existing and optional forms of government; and preparing and editing the commission's final report. Moreover, we will be happy to respond to telephone requests for specific information about the review process itself. Please feel free to contact me directly at 994-4141 for assistance or referral to other faculty resource persons.

Kenneth L. Weaver  
Head

**Consulting Faculty:**

Dr. Lauren S. McKinsey

Dr. Kenneth L. Weaver

Dr. Richard L. Haines

Dr. Loren S. Weinberg

Dr. Kenneth J. Tiahrt (Statistical Research Center)

University of Montana  
Missoula, Montana 59812

243-5202  
DEPARTMENT OF POLITICAL SCIENCE

December, 1984

The department maintains a continuing interest in Montana local government through the courses it teaches, the research activities in which its faculty members engage, and its service and outreach activities affecting local governments. An affiliate, the Bureau of Government Research has sponsored research in local government, and its staff has worked closely in the past with the city and county associations of local government officials. The Bureau published a number of studies of interest to local governments during the period of voter review of local government in Montana (1974-1977).

#### POLITICAL SCIENCE FACULTY WITH LOCAL GOVERNMENT INTERESTS

Peter Koehn (Professor). Courses which he teaches include U.S. and Comparative Local Government and Politics, Public Administration, and Public Policy. He served as a consultant on various aspects of local government to Dawson, Flathead, Ravalli, and Missoula Counties, and to the State Commission on Local Government in the period 1973-1976 and was also project director on four federally-funded state-wide community service projects concerned with local government in that period. He has been author or co-author of more than a dozen monographs, papers, and articles dealing with Montana local government, including Montana Local Government Review: An Analysis and Summary (Missoula: Bureau of Government Research, 1977), with J. Lopach.

James J. Lopach (Professor). Courses which he teaches include State, County, and City Administration, and Administrative Law. He served as public affairs representative for Pacific Telephone to local governments in the San Francisco Bay area and as an administrative aide to the Mayor of South Bend, Indiana. Lopach co-authored bills to implement the Montana Constitution's Local Government Article and wrote numerous study materials for local government study commissions, which were published by the State Commission on Local Government, the Bureau of Government Research, and the Cooperative Extension Service. He assisted a number of study commissions in their analysis, report writing, and charter drafting, 1974-1977.

Thomas Payne (Professor). Courses which he teaches include Public Policy, Budgetary Process, and Political Parties, Campaigns and Elections. He served as a member of the State Commission on Local Government, 1974-1977, during Montana's experience with voter review in the 1970's. He chaired the Missoula County Elections Committee and Missoula's Health and Emergency Services (MESH) Committee.

Jonathan Tompkins (Assistant Professor). Courses which he teaches include those dealing with public administration and local government.

FOR FURTHER INFORMATION AND ASSISTANCE TELEPHONE OR WRITE THE DEPARTMENT



## NORTHERN MONTANA COLLEGE

Montana University System  
HAVRE 59501

DEPARTMENT OF  
HISTORY AND SOCIAL SCIENCES  
265-7821 Ext. 3252

The Department of History and Social Sciences is a composite unit comprised of the following academic areas:

History  
Political Science/Government  
Sociology/Anthropology  
Economics  
Geography

The department has four full-time members, all Ph.D. holders, who teach courses in their respective areas of expertise and interest.

Two department members, Drs. Holmes and Peterson, have been involved with local government commissions since they were activated several years ago. These two professors are willing to serve again in similar functions. Both are teaching courses in US Government and in Political Science.

The Department is willing to serve as follows:

- (1) Provision of resource persons to local and area study commission meetings to include travel
- (2) Provision of logistic support (storage room, some secretarial assistance)
- (3) Provision of facilities such as audio-visual implements and machinery to citizen groups in our impact area

pkb



1500 North 30th Street, Billings, MT 59101-0298

Department of Sociology and Political Science

406/657-2138

Dr. Craig Wilson is Eastern Montana College's representative on the Coordinating Council of the Voter Review Assistance Network. Craig is an Assistant Professor of Political Science. He is a native Montanan who has researched several aspects of Montana's political environment. He is willing to serve as a resource person and do some traveling to assist Eastern Montana's local government study commission. Eastern's second Political Scientist has specialized knowledge in the area of public administration.

Several Sociologists at Eastern Montana College also have research skills applicable to the governmental review process. They have experience directing survey research projects for governmental agencies and advising public agencies on facilitating public input in the policy process.

Finally, Eastern has an active Sociology Club whose members might be able to undertake limited research for some local study commissions.



3300 7th Street N.E.  
Great Falls, Montana 59404

TO: Local Government Review Study Commissions  
FROM: League of Women Voters of Montana

The League of Women Voters is a non-partisan organization whose purpose is to promote political responsibility through informed and active participation of citizens in government and to act on selected governmental issues. We are a national organization that has grassroots Local and State League units as our strength. In Montana, we have Local Leagues in nine areas: Billings, Bozeman, Flathead County, Great Falls, Helena, Liberty County, Missoula, Ravalli County and South Lincoln County. We also have a member-at-large unit in the Butte area.

The League nationwide has always had a strong interest in governmental procedures. Statewide, we had influence in the section of the Montana Constitution that gave birth to the concept of local government review. We feel that review is a unique opportunity for citizens to learn about the governments that are closest to them and which they can most directly influence. Review commissions can suggest changes in governmental structure that could make governments more responsive to the public as well as more efficient.

League can offer constructive suggestions to Study Commissions as well as provide them with useful materials. Several Local Leagues have studied the various forms of local government available under the Montana Constitution and have formed position statements based upon informed member consensus.

Following is a list of League members for reference:

Diane Young	3300 7th St. N.E., Great Falls, MT 59404	453-3943 or 453-7
Ginger Wright	1639 Wicks Lane, Billings, MT 59105	252-2783
Roxanne Smith	16 Gardner Park Dr., Bozeman, MT 59715	586-1055
Barbara Andreozzi	830 Edgewood Pl., Whitefish, MT 59937	862-5395
Joy Stevlingson	912 Buena, Great Falls, MT 59404	452-3829
Robin Putnam	1497 Mineral Road, Helena, MT 59601	443-0967
Darlene Skari	Box 296, Chester, MT 59522	292-3692
Vivian Brooke	1610 Madeline, Missoula, MT 59801	542-2556
Jeanne Hargett	1160 Skalkaho Rd, Hamilton, MT 59840	636-5459
Kippy Rumelhart	1026 Louisiana Ave., Libby, MT 59923	293-3902
Cindi Farrar	218 Roosevelt, Butte, MT 59701	



# Cooperative Extension Service

MONTANA STATE UNIVERSITY, U.S. DEPARTMENT OF AGRICULTURE, AND MONTANA COUNTIES COOPERATING

MONTANA STATE UNIVERSITY  
BOZEMAN, MONTANA 59717

Cooperative Extension Service does not have specialists in local government but it does have people who can help Study Commissions organize their processes.

A time-table has been suggested in the materials prepared by the Lt. Governor's office. That is, you know when you have to be done, and before that there must be public meetings, studies, etc. But how do you actually organize your meetings and how do you involve the public? How do you handle conflict?

For help in designing study processes and citizenship participation, call Dave Sharpe at 994-2962. Also, each County Extension office will have the Study Commission Seminar notebook on-hand for people to use as a reference.



## MONTANA STATE LIBRARY

TED SCHWINDEN, GOVERNOR

1515 E. 6TH AVENUE

# STATE OF MONTANA

(406) 444-3115

HELENA, MONTANA 59620

The Montana State Library provides information service for state government and to all libraries within the state. Included in its services are:

- \* A growing collection of approximately 200,000 books, government publications and reference materials.
- \* Full depository and distribution center for Montana state government publications.
- \* Partial depository for U.S. government publications.
- \* Over 800 magazine titles in many subject areas.
- \* Daily newspapers from Montana and major U.S. cities.
- \* A large and up-to-date reference collection of abstracts and indexes, directories, statistical sources, and other research aids.
- \* Access to more than 200 computer indexes on a wide variety of subjects.
- \* Participation in state, regional, and national interlibrary loan networks to locate materials not available at the State Library.

The State Library will make its services and collections available to study commissions through Montana's six library federations, local libraries or by direct contact to its' Reference and Information Services program.

Please contact Reference and Information Services - 444-3004.

Harold Chambers, Program Manager  
Kathy Brown, Reference Librarian  
Dave Martin, Reference Librarian

Sara Parker  
State Librarian  
November 27, 1984

DEPARTMENT OF COMMERCE  
DIVISION OF LOCAL GOVERNMENT SERVICES



TED SCHWINDEN, GOVERNOR

CAPITOL STATION

STATE OF MONTANA

(406) 444-3010

HELENA, MONTANA 59620

TO: Local Government Study Commissioners  
FROM: *George H. Pendergast*, Administrator

On behalf of the Local Government Services Division of the Department of Commerce, I would like to offer my congratulations on your election as local government study commissioners.

The Local Government Services Division can trace its origin to 1889, when Montana's first Constitutional Convention created the Office of the State Examiner. Over the years, the division's name and placement within the State Executive Branch have changed, however, its primary statutory responsibilities have remained the same. The Division has the responsibility to conduct audits of, and to provide modern budgeting, accounting and reporting systems for, Montana's counties, cities, schools, and special taxing districts. In conjunction with these duties, the division also provides technical assistance to local government officials in such areas as budgeting, electronic data processing, finance, management, and the application of state laws. The Local Government Services Division is one of several divisions which comprise the Department of Commerce.

MATERIALS ON FILE

- |  |  |
|--|--|
| -Financial/Compliance audits of Counties,<br>Cities, Towns & School Districts* | - Current County/City Charters                     |
| -County/City/Town Annual Reports*  | - Proposals for change in<br>government since 1976 |
| -County/City/Town Annual Budgets*  |  |

\*These documents are public information and are available through local Finance Administrators.

CONTACT PERSONNEL

Donald L. Dooley  
Assistant Administrator

James Courtney, Bureau Chief  
Accounting & Management Systems Bureau



State of Montana  
Office of The Lieutenant Governor  
Helena 59620

GEORGE TURMAN  
LIEUTENANT GOVERNOR

November 1984

Among other duties, the Lieutenant Governor and his staff serve as the coordinator of state/local relations for the Schwinden Administration. That involves routine liaison with local government associations, frequent communications with individual counties and municipalities, coordination with state agencies on local government matters, and monitoring of legislation with local government impact. A special area of current emphasis, of course, is the voter review process.

In that regard, the Lieutenant Governor's office will convene the Coordinating Council of the Local Government Voter Review Assistance Network, will coordinate Network-sponsored events and publications, and will provide a clearinghouse function to refer inquiries to appropriate sources.

TELEPHONE NUMBER: 406/444-3111  
OFFICE LOCATION: Room 207, State Capitol

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**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

**TITLE: STATE LAWS REGARDING  
REVIEW PROCESS**

**MANUAL TAB: D**  
**NUMBER OF PAGES: 13**  
**DATE: November, 1984**  
**PREPARED BY: Lee Heiman,**  
Staff Attorney,  
Legal Services  
Division,  
Legislative Council,  
Helena, Montana

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THE  
CONSTITUTION  
OF THE  
STATE OF MONTANA  
ARTICLE XI  
LOCAL GOVERNMENT

**Section 9. Voter review of local government.** (1) The legislature shall, within four years of the ratification of this constitution, provide procedures requiring each local government unit or combination of units to review its structure and submit one alternative form of government to the qualified electors at the next general or special election.

(2) The legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election. Approval by a majority of those voting in the decennial general election on the question of undertaking a local government review is necessary to mandate the election of a local government study commission. Study commission members shall be elected during any regularly scheduled election in local governments mandating their election.

**Compiler's Comments**

1978 Amendment: Constitutional Amendment No. 6 (see Appendix to 1979 Laws of Montana) in subsection (2) after "require" inserted "an election in each local government to determine whether a local government will undertake"; and added last two sentences relating to voter approval and election of commission members.

**Cross-References**

Legislature to provide alternate forms of local government, Art. XI, sec. 3, Mont. Const.  
Self-government charters, Art. XI, sec. 5, Mont. Const.  
Alternate forms of local government, Title 7, ch. 3.

Procedure for alteration of existing forms of local government, 7-3-121 through 7-3-125, 7-3-141 through 7-3-161.

Local government review — study commissions, 7-3-171 through 7-3-193.

**Constitutional Convention Transcript Cross-References**

Adoption, Trans. 2940 through 2942.  
Committee report, Vol. II 784, 785, 800, 801, 1010, 1011, 1014, 1015, 1074, 1075.  
Debate — committee report, Trans. 2512, 2513, 2555 through 2565.  
Debate — style and drafting report, Trans. 2819, 2928.  
Delegate proposals, Vol. I 217, 234.  
Final consideration, Trans. 2841, 2842.  
Text as adopted, Vol. II 1102.

MONTANA CODE ANNOTATED  
1983

**7-3-171. Purpose.** The purpose of 7-3-171 through 7-3-193 is to provide a mechanism for local government review as required by Article XI, section 9, of the Montana constitution.

History: En. Sec. 1, Ch. 697, L. 1983.

**7-3-172. Purpose of study commission.** The purpose of a study commission is to study the existing form and powers of a local government and procedures for delivery of local government services and compare them with other forms available under the laws of the state.

History: En. Sec. 2, Ch. 697, L. 1983.

**7-3-173. Establishment of study commissions.** (1) A study commission may be established by an affirmative vote of the people. An election on the question of conducting a local government review and establishing a study commission shall be held:

(a) whenever the governing body of the local government unit calls for an election by resolution;

(b) whenever a petition signed by at least 15% of the electors of the local government calling for an election is submitted to the governing body; or

(c) in 1984 and thereafter whenever 10 years have elapsed since the electors have voted on the question of conducting a local government review and establishing a study commission.

(2) The governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission:

(a) in 1984 to implement the provisions of Article XI, section 9(2), of the Montana constitution as provided in section 2, Chapter 70, Laws of 1977;

(b) within 1 year after the 10-year period referred to in subsection (1)(c).  
History: En. Sec. 3, Ch. 697, L. 1983.

**7-3-174. Election procedures.** (1) Votes cast on the question of establishing a study commission and for electing study commission members shall be counted, canvassed, and returned as provided in Title 13 for general elections.

(2) The election administrator shall report the results of all elections conducted under 7-3-171 through 7-3-193 to the secretary of state within 15 days of the date the results become official.

History: En. Sec. 4, Ch. 697, L. 1983.

**7-3-175. Election on question of establishing study commission.** (1) The question of conducting a local government review and establishing a study commission shall be submitted to the electors in substantially the following form:

Vote for one:

- FOR the review of the government of (insert name of local government) and the establishment of a local government study commission consisting of (insert number of members) members to examine the government of (insert name of local government) and submit recommendations thereon.
- AGAINST the review of the government of (insert name of local government) and the establishment of a study commission.

(2) The question of conducting a local government review and establishing a study commission requires an affirmative vote of a majority of those voting on the question for passage.

(3) Except for elections to be conducted pursuant to 7-3-173(2), a special election on the question of reviewing a local government and establishing a study commission shall be held no sooner than 60 days and no later than 90 days after the passage of a resolution or the certification of a petition calling for an election on the question.

History: En. Sec. 5, Ch. 697, L. 1983.

**7-3-176. Election of commission members.** (1) If the question of reviewing the local government and establishing a study commission is approved, an election to fill the positions on the local government study commission shall be held in conjunction with the 1984 general election date or at the first regularly scheduled election of the local government conducted after 90 days following the election establishing the study commission. A pri-

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mary election may not be held.

(2) The names of study commission candidates who have filed declarations of nomination not later than 60 days before the date of the election shall be placed on the ballot. There is no filing fee. The election is nonpartisan, and candidates shall be listed without party or other designation or slogan. The secretary of state shall prescribe the ballot form for study commissions.

(3) Candidates for study commission positions shall be electors of the local government for which the study commission has been established. The candidates may not be elected officials of the local government.

(4) The number of candidates, equal to the number of study commission positions to be elected, receiving the highest number of votes shall be declared elected.

(5) If the number of study commissioners elected is not equal to the number required to be selected, the chairman of the governing body, with the confirmation of the governing body, shall appoint the additional study commissioners within 20 days of the election. No elected official of the local government may be appointed.

History: En. Sec. 6, Ch. 697, L. 1983.

**7-3-177. Composition of study commission.** (1) The number of positions, which must be an odd number of not less than three, on the study commission shall be set out in the resolution or petition calling for the election on the question of reviewing the local government or local governments and establishing a study commission. If the election is called under the provisions of 7-3-173(1)(c), the study commission shall consist of three members unless the local governing body by resolution declares that a larger number shall be elected.

(2) Every study commission shall include as an ex officio nonvoting member a member of the governing body or an elected official or employee of the local government appointed by the governing body.

History: En. Sec. 7, Ch. 697, L. 1983.

**7-3-178. Term of office — vacancies — compensation.** (1) The term of office of study commission members begins on the day their election to the study commission is declared or certified under 13-15-405 or on the day of their appointment and ends on the day of the vote on the alternative plan. If the alternative plan is adopted, the term continues for 90 days after the day of the vote on the alternative plan. If the commission recommends no alternative plan, the term ends 30 days after submission of the final report in accordance with 7-3-187.

(2) Vacancies on a study commission shall be filled by appointment by the governing body of the local government being studied by the commission.

(3) Members of the study commission may receive no compensation other than for actual and necessary expenses incurred in their official capacity.

History: En. Secs. 8, 9, 10, Ch. 697, L. 1983.

**7-3-179. Organization of commission.** (1) Not later than 10 days after all members of the study commission have been elected or appointed, the study commission shall meet and organize at a time set by the chairman of the governing body of the local government which the study commission is to examine.

(2) At the first meeting of the study commission, the study commission may elect a temporary chairman, who will serve until a permanent chairman is selected.

History: En. Sec. 11, Ch. 697, L. 1983.

**7-3-180. Cooperation of study commissions.** (1) Any two or more study commissions may cooperate in the conduct of their studies. A majority

vote by each of the affected study commissions is required for a cooperative study.

(2) Cooperative studies do not preclude each study commission from making a separate report and recommendation.

History: Em. Sec. 12, Ch. 697, L. 1983.

**7-3-181. Conduct of business.** (1) Meetings of the study commission shall be held upon the call of the chairman, the vice-chairman in the absence or inability of the chairman, or a majority of the members. The chairman shall announce the time and place of the meetings of the study commission.

(2) The study commission shall maintain a written record of its proceedings and its finances. This record is open to inspection by any person at the office of the study commission during regular office hours.

(3) A majority of the members of the study commission constitutes a quorum for the transaction of business, but no recommendation of a study commission may have any legal effect unless adopted by a majority of the whole number of members of the study commission.

(4) The study commission may adopt rules for its own organization and procedure.

History: Em. Sec. 13, Ch. 697, L. 1983.

**7-3-182. Open meetings and public involvement.** All meetings of the study commission are open to the public as provided in Title 2, chapter 3, part 2. The study commission shall hold public hearings and community forums and may use other suitable means to disseminate information, receive suggestions and comments, and stimulate public discussion of its purpose, progress, conclusions, and recommendations.

History: Em. Sec. 14, Ch. 697, L. 1983.

**7-3-183. Commission powers.** (1) A study commission may employ and fix the compensation and duties of necessary staff. State, municipal, and county officers and employees, at the request of the study commission and with the consent of the employing agency, may be granted leave with or without pay from their agency to serve as consultants to the study commission. If leave with pay is granted, they may receive no other compensation from the study commission except mileage and per diem.

(2) A study commission may contract and cooperate with other agencies, public or private, as it considers necessary for assistance in carrying out the purposes for which the commission was established. Upon request of the chairman of the study commission, state agencies, counties, and other local governments and the officers and employees thereof shall furnish or make available to the commission such information as may be necessary for carrying out the commission's function.

(3) A study commission may:

- (a) establish advisory boards and committees, including on them persons who are not members of the study commission;
- (b) retain consultants; and
- (c) do any other act consistent with and reasonably required to perform its function.

History: Em. Sec. 15, Ch. 697, L. 1983.

**7-3-184. Financial administration.** (1) A study commission shall prepare a budget for each fiscal year it is in existence and submit it to the local governing body for approval.

(2) (a) For the support of the study commission, for each fiscal year the study commission is in existence, each local government under study shall appropriate the equivalent of at least 1 mill, and the local government may

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levy up to 1 mill in excess of all other mill levies authorized by law to fund the appropriation for the support of the study commission.

(b) The local government shall provide office and meeting space and clerical assistance to the study commission. The cost of clerical assistance and other in-kind services provided by the local government may be used to partially fulfill the appropriation requirement of subsection (2)(a).

(c) The local government may in its discretion provide additional funds and other assistance.

(3) The study commission may apply for and accept available private, state, and federal money and may accept donations from any source.

(4) All money received by the study commission shall be deposited with the local government finance administrator. The finance administrator is authorized to disburse appropriated money of the study commission on the study commission's order after approval of the budget by the governing body. Unexpended money of the study commission does not revert to the general fund of the local government at the end of the fiscal year but carries over to the study commission's appropriation for the following fiscal year. Upon termination of the study commission, unexpended money reverts to the general fund of the local government.

History: En. Sec. 16, Ch. 697, L. 1983.

**7-3-185. Scope of study commission recommendations.** (1) A study commission elected to examine the government of a county may:

(a) recommend amendments to the existing plan of government;  
(b) recommend any plan of government authorized by Title 7, chapter 3, parts 1 through 6;  
(c) draft a charter;  
(d) recommend municipal-county consolidation or amendments to an existing consolidation;  
(e) in cooperation with a study commission in an adjoining county, recommend county merger; or  
(f) submit no recommendation.

(2) A study commission elected to examine the government of a municipality may:

(a) recommend amendments to the existing plan of government;  
(b) recommend any plan of government authorized by Title 7, chapter 3, parts 1 through 6;  
(c) draft a charter;  
(d) recommend municipal-county consolidation;  
(e) recommend disincorporation; or  
(f) submit no recommendation.

History: En. Sec. 17, Ch. 697, L. 1983.

**7-3-186. Study commission timetable.** (1) Each local government study commission shall, within 90 days of its organizational meeting, establish a timetable for its deliberations and actions. The timetable must be published in a local newspaper of general circulation. The timetable may be revised, but each revision must be republished.

(2) The timetable must provide, at a minimum, the following provisions, to be accomplished chronologically in the order presented:

(a) conduct one or more public hearings for the purpose of gathering information regarding the current form, functions, and problems of local government;

(b) formulate, reproduce, and distribute a tentative report, containing the same categories of information required to be included in the final report;

(c) conduct one or more public hearings on the tentative report;

(d) adopt the final report of the commission and set the date for a special

election on the question of adopting a new plan of government or, if the study commission is not recommending any changes, publish and distribute the final report as provided in 7-3-187 within 60 days after the final report is adopted.

History: Ea. Sec. 18, Ch. 697, L. 1983.

**7-3-187. Final report.** (1) Every study commission shall adopt a final report. If the study commission recommends an alternative form of government, the final report shall contain the following materials and documents, each signed by a majority of the study commission members:

(a) those materials and documents required of a petition proposing an alteration of an existing form of government in 7-3-142;

(b) a certificate establishing the date of the special election, which may be held in conjunction with a regularly scheduled election, at which the alternative form of government shall be presented to the electors and a certificate establishing the form of the ballot question or questions; and

(c) a certificate establishing the dates of the first primary and general elections for officers of a new government if the proposal is approved and establishing the effective date of the proposal if approved.

(2) The final report shall contain any minority report signed by members of the commission who do not support the majority proposal.

(3) If the study commission is not recommending any changes, its final report shall so indicate.

(4) The study commission shall file one copy of the final report with the department of administration. A copy of the final report shall be certified by the study commission to the municipal or county records administrator within 30 days after the adoption of the final report.

(5) Sufficient copies of the final report are to be prepared for public distribution. The final report must be available to the electors not later than 30 days prior to the election on the issue of adopting the alternative plan. Copies of the final report may be distributed to electors or residents of the local government or governments affected.

History: Ea. Sec. 19, Ch. 697, L. 1983.

**7-3-188. Special final report requirements — consolidation or county merger.** (1) Consolidation or merger may be placed on the ballot only by a joint report by cooperative study commissions.

(2) A final report, in addition to the material required in 7-3-187, must contain a consolidation plan if county-municipal consolidation or county merger is recommended. The consolidation plan must conform to the provisions and requirements relating to petitions in:

- (a) 7-3-143 whenever county-municipal consolidation is recommended; or
- (b) 7-3-144 whenever county merger is recommended.

History: Ea. Sec. 20, Ch. 697, L. 1983.

**7-3-189. Special final report requirements for disincorporation.** If a study commission proposes municipal disincorporation, the final report shall contain the following additional material and documents:

- (1) a certificate of disincorporation instead of a plan of government; and
- (2) a recommended plan of disincorporation.

History: Ea. Sec. 21, Ch. 697, L. 1983.

**7-3-190. Supplementary reports.** A study commission may prepare separate reports in addition to its final report. These reports may recommend consolidation of services and functions and indicate potential areas for interlocal agreements.

History: Ea. Sec. 22, Ch. 697, L. 1983.

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**7-3-191. Publication of summary.** Each study commission shall publish once each week for 2 successive weeks in a newspaper of general circulation throughout the area of the affected local government a summary of its findings and recommendations, together with the address of a convenient public place where the text of its proposal may be obtained. The summary shall include a comparison of the existing and proposed plans of government.  
History: En. Sec. 23, Ch. 697, L. 1983.

**7-3-192. Election on recommendation.** (1) An alternative plan of government recommended by a study commission shall be submitted to the voters as provided in 7-3-149, except that the study commission shall authorize the submission of the alternative plan of government to the voters at a special election to be held within 120 days of the adoption of the final report. The special election may be held in conjunction with any regularly scheduled election. Study commissions elected on the general election date in 1984 shall submit a final report allowing for a vote on any recommendation no later than the general election date in 1986.

(2) General ballot requirements and treatment of suboptions on an alternative plan of government recommended by a study commission shall be the same as for recommendations by petition as provided in 7-3-150 and 7-3-151.

History: En. Sec. 24, Ch. 697, L. 1983.

**7-3-193. Application of other sections.** (1) Except as provided in subsection (2), 7-3-122 and 7-3-152 through 7-3-161 apply to the adoption of an alternative plan of government upon recommendation by a study commission.

(2) (a) The chairman of the study commission and not the chairman of the governing body shall certify documents under 7-3-153.

(b) The study commission and not the governing body shall prepare an advisory plan for orderly transition to a new plan of local government under 7-3-157.

(c) A study commission plan may provide for existing elected officers under 7-3-158(3).

History: En. Sec. 25, Ch. 697, L. 1983.

Laws Cited in Pages D1 -- D7

**7-3-142. Requirements for petition.** A petition proposing an alteration of an existing form of local government must contain:

(1) a certificate containing the "plan of government" of the existing form of local government;

(2) a certificate containing the "plan of government" of the proposed new form of local government or amendments to the existing plan;

(3) a certificate containing the "plan of apportionment" of commissioner districts if districts are contained in the "plan of government"; and

(4) a comparison of the existing plan and proposed plan of local government, including, if desired, a statement of the strengths and weaknesses of the existing and proposed plans of local government, information that supports the adoption of the proposed plan, and information that supports retention of the present plan.

**7-3-143. Special requirements if consolidation recommended.**

(1) Whenever county-municipal consolidation is recommended, a petition, in addition to the material required in 7-3-142, must contain a consolidation plan which:

- (a) provides for adjustment of existing bonded indebtedness and other obligations in a manner which assures a fair and equitable burden of taxation for debt service;
- (b) provides for establishment of subordinate service districts;
- (c) provides for the transfer or other disposition of property and other rights, claims, assets, and franchises of the local governments consolidated under its proposal;
- (d) provides the official name of the consolidated local government; and
- (e) (i) provides for the transfer, reorganization, abolition, adjustment of boundaries, or absorption of all existing boards, bureaus, special districts, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts and nonconsolidated municipalities; or
  - (ii) grants the legislative body of the consolidated government the authority to transfer, reorganize, abolish, adjust boundaries (and may provide a method for adjusting boundaries), or absorb existing boards, bureaus, special districts, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts and nonconsolidated municipalities, with or without referendum requirements.

(2) The consolidation plan may include other provisions that are consistent with state law.

(3) Whenever amendments to an existing consolidation plan are recommended, a petition must contain a certificate containing amendments to the consolidation plan.

History: En. Sec. 8, Ch. 675, L. 1979; amd. Sec. 26, Ch. 697, L. 1983.

**Compiler's Comments**

1983 Amendment: In (1)(e)(i), after "absorption" substituted "all existing boards, bureaus, special districts" for "existing boards", and near end after "school districts" deleted "authorities"; and in (1)(e)(ii) after "adjust boundaries" inserted phrase in parentheses, after "existing boards" inserted "bureaus, special districts", and after "school districts" deleted "authorities".

**7-3-144. Special requirements if county merger recommended.**

(1) Whenever county merger is recommended, a petition, in addition to the material required by 7-3-142, must contain a consolidation plan which:

- (a) provides for adjustment of existing bonded indebtedness and other obligations in a manner which assures a fair and equitable burden of taxation for debt service;
- (b) provides for establishment of subordinate service districts;
- (c) provides for the transfer or other disposition of property and other rights, claims, assets, and franchises of local governments consolidated under the alternative plan;
- (d) provides the official name of the consolidated local government; and
- (e) (i) provides for the transfer, reorganization, abolition, adjustment of boundaries, or absorption of existing boards, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts, authorities, and incorporated municipalities, or
  - (ii) grants the legislative body of the consolidated government the authority to transfer, reorganize, abolish, adjust boundaries, or absorb existing boards, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts, authorities, and incorporated municipalities, with or without referendum requirements.

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(2) The consolidation plan may include other provisions that are consistent with state law.

History: En. Sec. 9, Ch. 675, L. 1979.

**Cross-References** Abandonment and consolidation of counties, Change in county boundary — constitutional Title 7, ch. 2, part 27. requirements, Art. XI, sec. 2, Mont. Const.

**7-3-145. Special requirements if municipal disincorporation recommended.** Whenever municipal disincorporation is recommended, a petition, in addition to the material required by 7-3-142, must contain:

- (1) a certificate of disincorporation instead of a plan of government; and
- (2) a recommended plan of disincorporation.

History: En. Sec. 10, Ch. 675, L. 1979.

**Cross-References**

Disincorporation of municipalities, Title 7, ch. 2, part 49.

**7-3-149. Election on alternative form.** (1) The governing body shall call a special election on the question of an alternative form of government to be held at least 40 days after the call and within 120 days of the date of filing with the records administrator under 7-3-146. The special election may be held in conjunction with any other election. The records administrator shall prepare and print notices of the special election.

- (2) The cost of the election shall be paid for by the local government.
- (3) (a) The affirmative vote of a simple majority of those voting on the question is required for adoption.  
(b) In any election involving the question of consolidation, each question shall be submitted to the electors in the county and requires an affirmative vote of a simple majority of the votes cast in the county on the question for adoption. There is no requirement for separate majorities in local governments voting on consolidation.

(c) In any election involving the question of county merger, the questions shall be submitted to the electors in the counties affected and requires a majority of the votes cast on the questions in each affected county for adoption.

(d) If the electors disapprove the proposed new form of local government, amendments, or consolidation plan, the local government retains its existing form.

History: En. Sec. 14, Ch. 675, L. 1979; amd. Sec. 1, Ch. 214, L. 1983.

**Compiler's Comments**

1983 Amendment: In (1), after "to be held" Change in county boundary — separate inserted "at least 40 days after the call and". majorities required, Art. XI, sec. 2, Mont. Const.  
Special elections — notice, 13-1-108.

**7-3-150. General ballot requirements.** (1) The question of adopting an alteration of an existing form of government proposed by petition shall be submitted to the electors in substantially the following form:

Vote for one:

FOR adoption of the (self-government charter, amendment to an existing charter, or plan of government) proposed for (insert name of local government) proposed by petition of the people.

FOR the existing form of government.

(2) The whole number of ballots shall be divided into two equal sets. No more than one set may be used in printing the ballot for use in any one pre-

cinct and all ballots furnished for use in one precinct shall be identical. The existing plan of government shall be printed as the first item and the proposed plan as the second item on half of the ballots and the proposed form as the first item and the existing form as the second item on the other half of the ballots. If the local government consists of only one precinct, the existing plan shall be listed first on the ballot.

History: Ea. Sec. 15, Ch. 675, L. 1979.

**7-3-151. Treatment of suboptions for alternative forms.** (1) No petition recommendation may involve more than three separate suboptions, and no suboption may contain more than two alternatives. If a suboption is submitted to the voters, only the ballot alternatives within that suboption receiving the highest number of affirmative votes are considered approved and included in the alternative form of government. If the alternative form of government fails, a suboption is of no effect.

(2) A proposed plan shall be submitted to the voters as a single question, except that the suboptions within the alternative plan of local government authorized in Title 7, chapter 3, parts 1 through 6, and the suboptions authorized in a charter may be submitted to the electors as separate questions. The question of adopting a suboption shall be submitted to the electors in substantially the following form:

Vote for one:

A legal officer (who may be called the "county attorney"):

- Shall be elected for a term of 4 years.
- Shall be appointed for a term of 4 years by the chairman of the local governing body.

History: Ea. Sec. 16, Ch. 675, L. 1979; amd. Sec. 22, Ch. 575, L. 1981; amd. Sec. 27, Ch. 697, L. 1983.

**Compiler's Comments**

1983 Amendment: In (1) inserted last sentence.

1981 Amendment: Substituted "parts 1 through 6" for "parts 1 through 7" in (2).

**7-3-152. Effect of adoption of new form of government.** The adoption of a new plan of government does not affect the validity of any bond, debt, contract, obligation, or cause of action accrued or established under the prior form of government.

History: Ea. Sec. 17, Ch. 675, L. 1979.

**Cross-References**

Effect of change in government, 7-3-106.

**7-3-153. Filing of approved plan.** (1) A copy of the existing or proposed plan of government ratified by the voters and any apportionment plan or consolidation or merger plan shall be certified by the chairman of the governing body and filed with the department of commerce, the county records administrator, and the municipal records administrator if it is a municipal plan.

(2) The approved plan filed with the department of commerce is the official plan and is a public record open to inspection by the public and judicially noticeable by all courts.

History: Ea. Sec. 18, Ch. 675, L. 1979; amd. Sec. 7, Ch. 274, L. 1981; amd. Sec. 1, Ch. 287, L. 1983.

**Compiler's Comments**

1983 Amendment: Substituted references to department of commerce for references to department of administration.

1981 Amendment: Substituted "department of administration" for "department of community affairs" in (1) and (2).

**Cross-References**

Right to examine public documents, Art. II, sec. 9, Mont. Const.

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**7-3-154. Judicial review.** Judicial review to determine the validity of the procedures whereby any charter or alternative plan of government is adopted may be initiated by petition in district court of 10 or more registered voters of the local government brought within 60 days after the election at which the charter or plan of government, revision, or amendment is approved. If no petition is filed within that period, compliance with all the procedures required by 7-3-121 through 7-3-161 and the validity of the manner in which the charter or plan of government was approved is conclusively presumed. It is presumed that proper procedure was followed and all procedural requirements were met. The adoption of a charter or plan of government may not be considered invalid because of any procedural error or omission unless it is shown that the error or omission materially and substantially affected its adoption.

History: En. Sec. 19, Ch. 675, L. 1979.

**Cross-References**

Conclusive presumptions — effect, 26-1-601; Rule 301, Montana Rules of Evidence (see Title 26, ch. 10).

**7-3-155. Three-year moratorium.** (1) Unless the constitution requires otherwise, the electors of any unit of local government which has voted upon the question of changing the form of local government, charter, or consolidation plan or upon the question of amending the alternative form, charter, or consolidation plan may not vote on the question of changing or amending the form of local government for 3 years.

(2) For the purposes of this section, general election dates are considered to be 1 year apart and may be used in computing the 3-year moratorium. No election on the question of changing an alternative form of a unit of local government may be challenged as failing to conform with the moratorium provisions of this section because 3 full calendar years may not have elapsed.

History: En. Sec. 20, Ch. 675, L. 1979; amd. Sec. 1, Ch. 404, L. 1983.

**Compiler's Comments**

1983 Amendment: Inserted (2).

**Cross-References**

Constitutional provision on review of local governments — 10-year period, Art. XI, sec. 9, Mont. Const.

Limitation on change in alternative form, 7-3-104.

**7-3-156. Effective date of alternative plan or amendment.** (1) An alternative plan of local government approved by the electors takes effect when the new officers take office, except as otherwise provided in any charter or consolidation plan. A consolidation or merger plan adopted by the electors takes effect in the same manner.

(2) Provisions creating offices and establishing qualifications for office under any apportionment plan become effective immediately for the purpose of electing officials.

(3) An amendment to an existing plan of government becomes effective at the beginning of the local government's fiscal year commencing after the election results are officially declared.

History: En. Sec. 21, Ch. 675, L. 1979.

**Cross-References**

Effective date of change of local government, 7-3-103.  
Start of municipal officer's term of office, 7-4-4107.  
Start of county officer's term of office, 7-4-2205.  
Local government fiscal years, 7-6-2201.

**7-3-157. General transition provisions.** (1) The governing body shall prepare an advisory plan for orderly transition to a new plan of local government. The transition plan may propose necessary ordinances, plans for consolidation of services and functions, and a plan for reorganizing boards, departments, and agencies.

(2) The governing body of a local government may enact and enforce ordinances to bring about an orderly transition to the new plan of government, including transfer of powers, records, documents, properties, assets, funds, liabilities, or personnel. These ordinances are to be consistent with the approved plan and necessary or convenient to place it into full effect. Whenever a question arises concerning transition which is not provided for, the governing body may provide for the transition by ordinance, rule, or resolution not inconsistent with law.

History: En. Sec. 22, Ch. 675, L. 1979.

**Cross-References**

Effect of change in government, 7-3-106.

**7-3-158. Transition provisions affecting personnel.** (1) The members of the governing body holding office on the date the new plan of government is adopted by the electors of the local government continue in office and in the performance of their duties until the governing body authorized by the plan has been elected and qualified, whereupon the prior governing body is abolished.

(2) All other employees holding offices or positions, whether elective or appointive, under the government of the county or municipality continue in the performance of the duties of their respective offices and positions until provisions are made for the performance or discontinuance of the duties or the discontinuance of the offices or positions.

(3) A charter or a petition proposing an alteration to an existing form of local government may provide that existing elected officers shall continue in office until the end of the term for which they were elected or may provide that existing elected officers shall be retained as local government employees until the end of the term for which they were elected, and their salaries may not be reduced.

History: En. Sec. 23, Ch. 675, L. 1979; amnd. Sec. 23, Ch. 575, L. 1981.

**Compiler's Comments**

1981 Amendment: Deleted "or resolution" after "petition" in (3).

**7-3-159. Treatment of existing ordinances and resolutions.** (1) All ordinances and resolutions in effect at the time the new form of government becomes effective continue in effect until repealed or amended in the manner provided by law.

(2) Within 2 years after ratification of a consolidation plan, the governing body of the consolidated local government shall revise, repeal, or reaffirm all rules, ordinances, and resolutions in force within the participating county and municipalities at the time of consolidation. Each rule, ordinance, or resolution in force at the time of consolidation remains in force within the former geographic jurisdiction until superseded by action of the new governing body. Ordinances and resolutions relating to public improvements to be paid for in whole or in part by special assessments may not be repealed.

History: En. Sec. 24, Ch. 675, L. 1979.

**Cross-References**

Effect of change in government, 7-3-106.

**7-3-160. Election of new officials.** (1) Within 20 days after an election at which the new plan of government is approved by the electors, the governing body of the local government shall meet and order a special primary and general election for the purpose of electing the officials required by the new form of government. The elections for officials may be held in conjunction with any other election.

(2) The order shall specify a date for the primary election not more than 120 days or less than 20 days after the election approving the new form and

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a date for the general election 60 days after the primary.

History: En. Sec. 25, Ch. 675, L. 1979.

**Cross-References**

Special elections — notices, 13-1-108.

**7-3-161. Organization of new governing body.** (1) The first meeting of a new governing body for a new plan of government shall be held at 10 a.m., 60 days after the election of the new officers. At that time, newly elected members shall take the oath of office prior to assuming the duties of office.

(2) If the terms of the commissioners are to be overlapping, they shall draw lots to establish their respective terms of office.

History: En. Sec. 26, Ch. 675, L. 1979.

**Cross-References**

Oath of office, Art. III, sec. 3, Mont. Const.;  
7-4-101, 7-4-4108.

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**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

TITLE: QUICK REFERENCE CHART  
ON DEADLINES FOR  
STUDY COMMISSION ACTION

MANUAL TAB: E  
NUMBER OF PAGES: 1 (see reverse)  
DATE: November 15, 1984  
PREPARED BY: Marie McAlear  
and John Evans under contract  
with the Lt. Governor's Office

## DEADLINES FOR STUDY COMMISSION ACTION

DEADLINE	ACTION	STATUTE	COMMENTS
November 6, 1984	Study commissioners elected	7-3-178(1)	
November 9, 1984	Election results canvassed and returned	7-3-174 and Title 13	May be delayed through Nov. 20 due to Federal Court Order on International Absentee Ballots
before November 17, 1984	First organizational meeting of the study commission (if no appointments were made). Study commission is to include an ex-officio non-voting representative of the governing body.	7-3-179	First meeting to be called by the chair of the governing body
	Election of temporary or permanent chair	7-3-179(2)	
	Budget preparation for presentation to governing body begins. Fiscal year is to cover July 1, 1984 through June 30, 1985	7-3-184	
November 24, 1984	Study commission election report is to be filed with the Secretary of State	7-3-174	May be delayed through December 5 due to absentee ballots
November 26, 1984	Appointments necessary to complete the commission are made.	7-3-176(5)	Chair of the local governing body appoints with approval of the governing body.
before December 7, 1984	First organizational meeting for commissions which had appointments	7-3-179(2)	Follow same procedure as outlined for November 17, 1984
before February 13, 1985	If all members of the commission were elected, the commission is to establish a timetable for its work.	7-3-186	Timetable must be published. Timetable may be revised. Timetable has minimum requirements.
before March 6, 1985	If commission has one or more appointed members, the commission is to establish a timetable for its work.	7-3-186	Same as above
As determined by the local study commission	Conduct one or more public hearings to gather information on the current form, functions, and problems of local government	7-3-186	Work to be conducted in accordance with the study commission's timetable
	Formulate, reproduce, and distribute a tentative report, containing the same categories of information required to be in the final report		
	Conduct one or more public hearings on the tentative report		
Spring and Summer, 1985	Prepare budget for July, 1985 through June 30, 1986, to be submitted to the local governing body for approval	7-3-184	Local government body procedures to be followed
Spring and Summer, 1986	If necessary, prepare a budget for July, 1986, to June 30, 1987, to be submitted to the local governing body	7-3-184	
before October 5, 1986	Adopt the final report	7-3-187(5) 7-3-192(1)	Final report must be made available to electors at least 30 days prior to election on any proposed alternatives.
As determined by the local study commission	Publish summary of findings and recommendations	7-3-191	Summary must include a comparison of existing and proposed plans of government
on or before November 4, 1986	Hold election on any proposed governmental alternative	7-3-192(1)	Election must be held within 120 days of adoption of the final report, if any governmental changes are proposed.
November 22, 1986	File report of results of November 4 election	Title 13	If election was held earlier, the report is to be filed within 15 days of the date that the election results become final.



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**TITLE: PROCEDURAL GUIDELINES**

**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

MANUAL TAB: F  
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PREPARED BY: Kenneth L. Weaver,  
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A  
R  
C  
D  
  
E  
F

## TABLE OF CONTENTS

I.	THE ROLE OF THE STUDY COMMISSION (MCA 7-3-171 through 178).....	2
A.	Purpose of the Study Commission	
B.	Elected and Appointed Members of the Study Commission	
C.	Ex Officio Members of the Study Commission	
II.	ORGANIZATION OF THE STUDY COMMISSION (MCA 7-3-179,180).....	4
A.	First Meeting	
B.	Cooperation Between Study Commissions	
III.	FINANCIAL ADMINISTRATION (MCA 7-3-184).....	6
A.	Planning the Budget	
B.	Financial Administration	
IV.	CONDUCTING MEETINGS AND HEARINGS (MCA 7-3-181,2).....	7
A.	Conduct of Business	
B.	Open Meetings and Public Involvement	
C.	Community Survey	
V.	STUDY COMMISSION TIMETABLE (MCA 7-3-186).....	9
A.	Commission Timetable	
VI.	COMMISSION POWERS (MCA 7-3-183).....	10
A.	Commission Powers	
VII.	SCOPE OF STUDY COMMISSION RECOMMENDATIONS (MCA 7-3-185).....	11
A.	County Study Commissions	
B.	City Study Commissions	
VIII.	WRITING AND PUBLISHING REPORTS (MCA 7-3-187 through 191).....	12
A.	Final Report	
IX.	HOLDING THE ELECTION (MCA 7-3-192).....	15
A.	Special Elections	
B.	Ballot Requirements	
X.	TRANSITION .....	16

## I. THE ROLE OF THE STUDY COMMISSION (MCA 7-3-171 Through 7-3-178)

The 1972 Constitution of the State of Montana (Article XI) as amended, requires that each unit of local government in Montana periodically ask its voters whether or not to review its structure and adopt one of the several alternative forms of local government specified in the Constitution. In 1976, that task was accomplished by Local Government Review Commissions in all of Montana's 56 counties and 126 incorporated municipalities. Additionally, the Constitution mandates that the Legislature adopt laws requiring local government to ask their voters every ten years whether or not to study and evaluate their form of local government. The 1983 State Legislature did so (MCA 7-3-171 through 193) thereby enabling each community in Montana to decide in 1984 whether or not to again review its local unit of government and, if so, to elect a Local Government Review Commission to perform the task. During the June primaries, twenty-three counties, seventy-three municipalities, and two consolidated units voted to undertake the local government review process. Thus, as an elected or appointed member of your community's Local Government Review Commission you are charged with a Constitutional and Legislative mandate that is unique to Montana and yet reflects the democratic ideals that led a few great men to Philadelphia in 1787 where they reviewed their government; a review that resulted in the Constitution of the United States of America.

Purpose: As a Local Government Review Commissioner you too have been chosen to perform a serious task; a task that may well have profound and long-term effects on the health, safety, and general well-being of your community. Moreover, in your role as a commissioner, you are serving as a representative of all the citizens of your town, city, or county. As you well know, not all of our citizens have the time, interest, or patience to study local government structures and operations. In stepping forward and shouldering the job, you are acting not merely for yourself, your associates and your friends, nor for your colleagues on the commission, but for all of the citizens who live, work, and rear their families in your community. You are, in short, a representative of the people.

Your function as a representative member of the review commission is set forth in Section 7-3-172 Montana Code Annotated:

"The purpose of a study commission is to study the existing form and powers of a local government and procedures for delivery of local government services and compare them with other forms available under the laws of the state."

Study Commission Composition: The commission itself will be comprised of an odd number (typically three or five) of study commissioners elected in November. If an insufficient number of candidates was elected to fill up the commission positions, the local government unit is empowered to appoint additional study commissioners and must do so within twenty (20) days of the validation of the election (MCA 7-3-176). In addition to the elected or appointed members of the commission, the law also requires

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that every commission shall include an ex officio, nonvoting member appointed by the local governing body (MCA 7-3-177). The ex officio member of the commission, who must be an elected or appointed local government official or employee, can be of enormous assistance to the commission in accomplishing its purpose. He or she may assist you as a liaison person in communicating with your local government; as a source of expert knowledge on the general organization of the local government unit; and in coordinating technical assistance and staff support that may be available from local government. The ex officio member of the commission can be especially helpful early on as you set about organizing the commission to accomplish its purpose and in establishing a budget to carry out your plans.

Term of Office: A study commissioner's term of office begins the day the election results are certified by election officials or upon the day of their appointment by local government (MCA 7-3-178). If an alternative plan of government is submitted to the voters, the study commissioners' terms of office ends on the day of the vote unless the alternative plan is adopted by the voters, in which case, their terms of office shall end ninety (90) days after the vote. If the study commission recommends no alternative plan of government, the term of office ends thirty (30) days after the submission of the final report required by MCA 7-3-187.

Study Commission Vacancies: Vacancies on the study commission that may of course result from any number of causes (resignation, illness, residential relocation outside of the jurisdiction, or continuous absence from the jurisdiction for ten days, etc.) will be filled by appointment by the local governing body being studied. It is reasonable to expect that such appointments should be made within thirty days of the date that the vacancy occurred.

Compensation: Members of the study commission may receive no compensation other than for actual expenses incurred in their official capacity. "Actual expenses" usually include such things as travel costs to accomplish the purposes of the commission. However, it would be highly advisable to check with the finance officer of your local government unit to determine reimbursement procedures prior to incurring any expenses. Remember, the local government body, sometimes through its finance officer, must approve any claim for payment.

## II. ORGANIZATION OF THE STUDY COMMISSION (MCA 7-3-179)

First Meeting: No later than ten(10) days after all members of the study commission have been elected or appointed, the study commission shall meet and organize at a time set by the chair (mayor, commission or council president or chairman, etc.) of the local government body (MCA 7-3-179). As a practical matter, it makes sense that the time and place of the first meeting should be set by the chairman or mayor of the local government but at the reasonable convenience of the study commission members and that this information should be communicated to all members of the study commission by formal letter signed by the chairman or mayor of the council or commission.

During the first meeting, study commission members must take the oath of office set forth in Article III, Section 3, of the State Constitution:

"I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity (so help me God)."

Upon being sworn into office, the study commission should then elect a chairperson. However, you may wish and are permitted to elect a temporary chair, who may serve until a permanent chairperson is selected.

Although no other actions are required by the law during this first meeting, you will no doubt recognize three procedural topics immediately at hand: (1) the creation of a budget to fund your study commission activities; (2) when, where and how to conduct your business meetings; and (3) whether or not you wish to cooperate with another city or county study commission in conducting your review. These three topics naturally comprise your first order of business and are discussed immediately below for your convenience. Study commission cooperation is discussed in the succeeding paragraph, and budgeting and the conduct of meetings in the next two succeeding sections.

Cooperation Between Study Commissions: The law anticipates that two or more study commissions may wish to cooperate in the conduct of their study of their respective local governments (7-3-180). There are several reasons why you may wish to exercise this option. First, if your commission wishes to explore the advantages and disadvantages of city-county consolidation or merger of government, it would make a good deal of sense to conduct your study in cooperation with the counterpart study commission. In fact, consolidation or merger can be placed on the ballot only by a joint report prepared by cooperative study commissions (7-3-188). Secondly, for smaller communities with only limited resources to conduct a study of their local governments, it may be advantageous to cooperate with nearby study commissions thereby minimizing duplicated costs and taking advantage of particularly well-qualified study commissioners or other local expertise not readily available in

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your own community. A joint study may also be appropriate in instances wherein "supplementary reports" are prepared that recommend the consolidation or transfer of services or functions among local governments, or in other areas of potential interlocal agreements (MCA 7-3-190). If you do intend to explore cooperative study, you should seek out your counterparts soon, in order to facilitate budgeting and to make arrangements to conduct joint meetings. Remember, a majority vote by each of the affected study commissions is required for a cooperative study and that cooperative studies do not preclude each study commission from making a separate report and recommendation.

### III. FINANCIAL ADMINISTRATION (MCA 7-3-184)

Budget Preparation: Even though your local government has already appropriated the equivalent of 1 mill to fund the study commission's operations, you must also prepare a budget for each fiscal year of the study commission's existence (7-3-184). Section L of your handbook provides additional information and detailed financial considerations and accounting methods but you should also seek the assistance of your local government finance officer in preparing your own budget to insure that the form and expenditure categories are consistent with those already in use by your government. Your budget must be approved by the local governing body prior to the obligation or expenditure of public funds. In planning your budget, remember that the local government unit is obliged to provide office and meeting space as well as clerical assistance to the study commission. The cost of clerical assistance and other in-kind services provided by local government may be used to partially fulfill the 1 mill appropriation required by this section of the law. In addition to budgeting for supplies, materials, postage and travel, you should anticipate your needs for equipment rental and such contract services as professional consultants, printing and perhaps legal services. If these services are likely to be required, you must budget for them because they tend to be surprisingly expensive. In this regard it is important to remember that your local government is not limited to a 1 mill appropriation but may, in its discretion, provide additional funds and assistance. Additionally, the study commission may apply for and accept available private, state and federal money and may accept donations from any source to fund its operations.

Financial Administration: Should the study commission receive any revenue from outside sources such as donations or grants from other government entities, individuals, or corporations, they must be deposited with the local government finance officer. In short, you may not set up your own bank account to receive and disburse funds. However, the local government finance officer is authorized to receive and disburse funds on the order of the study commission once your budget has been approved by the local governing body. Any unexpended money left over at the end of the fiscal year will carry over to the study commission's appropriation for the following fiscal year. Upon termination of the study commission, all unexpended money will revert to the local government's general fund.

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IV. CONDUCTING MEETINGS AND HEARINGS  
(MCA 7-3-181 AND 7-3-182)

Conduct of Business: Although many study commissioners will no doubt have had considerable experience in conducting and participating in committee work and service organizations, the conduct of the public's business imposes special procedural requirements which, if not adhered to, may seriously flaw the outcomes of your work. The conduct of your meetings must therefore conform to the procedural requirements set forth in the law (MCA 7-3-181 and 7-3-182) the basic provisions of which are summarized below:

1. Meetings shall be held upon the call of the chair, or in the absence of the chair, at the call of the vice-chair, or at the call of a majority of the commission members. The chair shall announce the time and place of the commission meetings and such announcement should be publicized well in advance of the meetings. Ideally, a regular schedule of meetings should be set, publicized, and adhered to by the commission. The scheduled meeting times and place should not only meet the needs of the study commission but also provide reasonable opportunity for public access and participation.
2. A written record of the study commission's proceedings and its finances must be maintained. At a minimum, formal minutes of study commission proceedings should be prepared and adopted by the study commission. For instance, such minutes might reflect the time and place of the meeting; the roll of the commissioners present and absent; perhaps the names of all persons in attendance; and an accurate record of the business conducted during the meeting including the names of commissioners voting for or against all actions considered by the commission. This record is open to inspection by any person at the office of the study commission during regular office hours.
3. A majority of the members of the study commission constitutes a quorum for the transaction of business, but no recommendation of a study commission may have any legal effect unless adopted by a majority of the whole number of members of the study commission.
4. The study commission may adopt rules for its own organization and procedure. Robert's Rules of Order is a useful guide to assure fair and efficient procedure, especially with respect to commission decision-making. Even a brief review by the commission chair of the formal procedures to make, second, amend, table, or vote on a motion would probably avert confusion and discord, especially on difficult decisions. Ideally, the commission should understand and adopt such procedures early on so that procedures will become routine before difficult issues and decisions arise.

Open Meetings and Public Involvement: All meetings of the study commission are open to the public. Should you believe for any reason that you might need to conduct your business in an "executive session" or a meeting closed to the public you would be well-advised to seek legal counsel from your city or county attorney before you do so. There are very few exceptions to Montana's open meeting laws and it is difficult to imagine that any exceptions would apply to a study

commission. For additional information on Montana's open meeting law, see Tab M of your manual. In addition to the open meeting requirements for all study commission business meetings, there is also a legal requirement that you shall hold "public hearings and community forums," which also entail strict requirements for public notice, verbatim transcripts, and other formal public hearing procedures (MCA 7-3-182). As a general rule, and recognizing that there are exceptions in smaller communities without active media outlets, publication of the time, place and purpose of the public hearing in a newspaper of general circulation 10 days in advance of a public hearing should provide adequate public notice. Our interpretation is that each study commission must conduct at least two formal public hearings; one prior to the tentative report, and one prior to preparing and adopting the final report required by MCA 7-3-187. Beyond the strict requirements of this section of the law, the study commission is also empowered to use public hearings, community forums and other suitable means to inform the community and to receive from the community suggestions and comments. Indeed, the whole purpose of public involvement in the local government review process is to stimulate public discussion on the purpose, progress, conclusions and recommendations of the study commission.

Community Survey: An additional source of public input to your review process that you may wish to consider is a community survey. A community survey if designed properly and utilized to its fullest potential can be an important mechanism for information gathering, for clarifying points of decision, and stimulating voter interest in the study effort. Moreover, a commission can demonstrate an active pursuit of citizen attitudes on the topic at hand and may be able to demonstrate how it has attempted to design recommendations to reflect citizen attitudes. But, depending on the size of the commission's budget and its commitment to the community survey as an important study tool, the commission is advised to get some professional assistance in designing and carrying out a survey or series of surveys. Such assistance might come from social science or business researchers from a nearby college or university or from some research institute or consulting firm with a track record in survey research. There are numerous opportunities for error in the survey design, implementation, and interpretation of survey findings, any one of which may give misleading signals to the study commission. Moreover, the survey if done properly can involve many community organizations in examining and studying citizen attitudes as they relate to government study. Accurate information on citizen attitudes along with the commission's response to the survey findings can be fed back to the people through media and/or other mechanisms. With important issues at stake, the study commission, if it decides to employ a community survey, should not treat the decision and possible implications too lightly. (Cited in part from "Home Rule and Local Government Change Efforts", Pennsylvania State Univ., 1974.)

V. STUDY COMMISSION TIMETABLE  
(MCA 7-3-186)

Establishing a Timetable: Each local government review study commission shall, within 90 days of its organizational meeting, establish a timetable for its deliberations and actions. The timetable must be published in a local newspaper of general circulation. The timetable may be revised but each revision must be republished. Tab E of your manual specifies the deadlines that must be met by law; deadlines that should influence the sequence of a commission's timetable. Listed below are the minimum timetable requirements, to be accomplished in chronological order:

1. Conduct one or more public hearings to gather information on the current form, functions and problems of local government.
2. Formulate, reproduce and distribute a tentative report containing the same categories of information required to be in the final report.
3. Conduct one or more public hearings on the tentative report.
4. Adopt the final report.
5. If the study commission is recommending changes, set date for a special election on the question of adopting the changes.
6. If the study commission is not recommending any changes, publish and distribute the final report within 60 days after the final report is adopted.
7. If an alternative plan of government is adopted by the voters, the study commission shall prepare an advisory plan for orderly transition to the new plan of government.

VI. COMMISSION POWERS  
(MCA 7-3-183)

Commission Powers:

Local government study commissions have the power to draw on a broad range of assistance in carrying out their mandate. Under the law (MCA 7-3-183) a commission may retain consultants and establish appointed advisory boards and committees, drawing from any part of the community for members. More broadly, a commission may contract and cooperate with other public or private agencies as it considers necessary.

In addition, of course, commissions may employ any necessary staff. This includes any state, county, or municipal officers and employees who, upon commission request and the consent of their employing agency, have been granted leave to act as paid or unpaid consultants.

Upon request of the commission chair, officers and employees of state agencies, counties, and other local governments must furnish to the commission any information that is necessary for carrying out the commission's function. Such information might include; (1) the local government unit's current organization chart, (2) a list of staff positions, (3) budgets and financial reports, (4) a list of boards and commissions and, (5) recent population data. It is suggested that the ex officio member of the study commission could serve as a conduit for such information and would be a very good liaison with the local government unit on other matters as well.

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VII. SCOPE OF STUDY COMMISSION RECOMMENDATIONS  
(MCA 7-3-185)

County Study Commissions: A study commission elected to examine the government of a county may:

- a. recommend amendments to the existing plan of government;
- b. recommend any plan of government authorized by Title 7, chapter 3, parts 1 through 6;
- c. draft a charter;
- d. recommend municipal-county consolidation or amendments to an existing consolidation;
- e. in cooperation with a study commission in an adjoining county, recommend county merger;
- f. submit no recommendation.

City Study Commissions: A study commission elected to examine the government of a municipality may:

- a. recommend amendments to the existing plan of government;
- b. recommend any plan of government authorized by Title 7, chapter 3, parts 1 through 6;
- c. draft a charter;
- d. recommend municipal-county consolidation;
- e. recommend disincorporation; or
- f. submit no recommendation.

Both county and city study commissions should refer to Tabs G through K of your manual for guidance in evaluating the alternative forms of government authorized by Title 7, chapter 3, parts 1 through 6. You may wish to focus special attention on the structural aspects which may provide you with useful alternatives to amend and refine the existing plan of government in your community. Finally, should you decide to submit no recommendations to the electorate, you must still adopt and publish the final report required by MCA 7-3-187.

VIII. WRITING AND PUBLISHING REPORTS  
(MCA 7-3-187 Through 7-3-191)

Final Report: The final report prepared by the local government study commission is a record of the commission's activities. It explains what the study commission discovered, conclusions and recommendations made based on that discovery. It is the basic document for educating the citizens of that local government jurisdiction about their local government. It provides a rationale for change if change is recommended. It will also become part of the historic record of that jurisdiction, announcing to future generations what their local government was like at a given time.

State law gives clear directions about what must be included in the final report (MCA 7-3-187). All remarks here include the tentative report since that report, with amendments, becomes the final report.

If changes are recommended, the final report shall include the following materials and documents, each signed by a majority of the study commission members:

1. a certificate containing the "plan of government" of the existing form of local government;
2. a certificate containing the "plan of government" of the proposed new form of local government or amendments to the existing plan;
3. a certificate containing the "plan of apportionment" of commissioner districts if districts are contained in the "plan of government";
4. a comparison of the existing plan and proposed plan of local government, including, if desired, a statement of the strengths and weaknesses of the existing and proposed plans of local government, information that supports the adoption of the proposed plan, and information that supports retention of the present plan;
5. a certificate establishing the date of the special election, which may be held in conjunction with a regularly scheduled election, at which the alternative form of government shall be presented to the electors and a certificate establishing the form of the ballot question or questions;
6. a certificate establishing the dates of the first primary and general elections for officers of a new government if the proposal is approved and establishing the effective date of the proposal if approved.

The final report shall contain any minority report signed by members of the commission who do not support the majority proposal.

If the study commission is not recommending any changes, its final report shall indicate that. If no changes are recommended, the

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certificates listed above will not be required. However, a final report must still be prepared and filed.

Special reporting requirements are listed for study commissioners recommending county-municipal consolidation (MCA 7-3-143, 7-3-188), county merger (MCA 7-3-144, 7-3-188) or disincorporation (MCA 7-3-145, 7-3-189).

The study commission is charged with studying the existing form and powers of a local government and procedures for delivery of local government services. Other forms of government authorized by the state are also studied and compared with that of the local jurisdiction.

The critical thing to remember is that those studies must be documented well enough and conclusions derived from the study recorded, so that they may be used in the final report as needed.

The following topics could be considered for inclusion in the final report:

1. a short history of the present form of government, including changes made over the years;
2. a socio-economic description of the area (growth or decline in population, changes in the economic base, opportunities or problems associated with those changes);
3. policy making and administrative structure (this includes studying elected positions and staffing patterns as well as appointed advisory groups, and asking whether the local government is responsive);
4. service delivery structure (this includes studying how the local government currently provides services and how that might be improved.);
5. revenue, expenditures and debt (Are the revenue sources adequate to provide needed services? Are some services no longer needed, or needed at a lesser level? Do some need to be increased? Can some services be provided by cooperating with other government jurisdictions?)
6. powers and authority of present government (Is the government best suited to general or self-government powers? Could it operate more efficiently and adequately by changing?);
7. degree of public participation (Is there healthy participation by the public?)

Organization charts which describe the structure of the existing and proposed forms of government show at a glance what the differences and similarities between the proposals are. They also indicate relationships between people and functions within the government. Charts can be a good summary of information contained in the report.

Study commissions may conduct interviews, do research, hold hearings, and survey local citizens. The results of such study can be used in the final report. The final report should contain those items that are legally required by state statute and enough explanation to give readers who haven't followed the local government study closely, a clear idea of what was done, why it was done, who did it, and reasons for reaching the conclusions given for change.

The final report as described above need not be terribly long, but it may be too long for general distribution. Enough copies should be printed to ensure distribution to those who are interested. A shorter, abbreviated version, or "summary report", must be prepared for broad distribution to all voters. Such a summary can answer general questions, and should include a comparison chart between the present form of government and the proposed form, the sample ballot and the plan of government of the proposed form of government.

Even if the voters decide that the present form of government is adequate, the investigation of local government by the study commission, and the publication of its results in the final report serve as a basis for education of citizens, something which democratic forms of government depend upon for strength and vitality.

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IX. HOLDING THE ELECTION  
(MCA 7-3-192)

Elections: If the study commission recommends an alternative plan of government in its final report, it must authorize its submission to the voters at a special election to be held within 120 days of the adoption of the final report. However, the special election may be held in conjunction with any regularly scheduled election thereby saving the considerable costs of conducting a separate election. Hence, the timing of the adoption of the report is a critical factor in selecting an appropriate election date. On the one hand, the election must be within 120 days of the adoption of the final report and, on the other hand, the final report must be available to the electors not later than 30 days before the election. Although a special election on an alternative plan of government may be held at any time within 120 days of the adoption of the final report, the study commission must submit a final report allowing for a vote on any recommended changes not later than the general election in November, 1986.

Ballot Requirements: General ballot requirements and treatment of options on an alternative plan of government recommended by a study commission are set forth in 7-3-150 and 7-3-151. As a practical matter, it is advisable to contact your local election officials to seek their cooperation and assistance in preparing and printing the ballot. Typically, election officials require the ballot format sixty (60) days in advance of an election to accommodate review and printing lead times.

X. TRANSITION  
(MCA 7-3-193 AND 7-3-157)

Transition Plan: If an alternative plan of government is adopted by the voters, the study commission shall prepare an advisory plan for orderly transition to the new plan of government. The transition plan may propose necessary ordinances, plans for consolidation of services and functions, and a plan for reorganizing boards, departments, and agencies.

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# LOCAL GOVERNMENT VOTER REVIEW ASSISTANCE NETWORK

TITLE: QUICK REFERENCE CHARTS  
ON FORMS OF LOCAL GOV-  
ERNMENT IN MONTANA  
(LOCATIONS & DESCRIPTIONS)

MANUAL TAB: G  
NUMBER OF PAGES: 2 (inc. fold-out)  
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MONTANA  
EXISTING FORMS OF LOCAL GOVERNMENT

LOCAL GOVERNMENT UNIT	COMMISSION EXECUTIVE (council-mayor)	COMMISSION MANAGER (council-manager)	COMMISSION (council)	COMMISSION CHAIRMAN	CHARTER	TOWN MEETING
CONSOLIDATED CITY/COUNTY					2 units Appointed Exec. ANACONDA-DEER LODGE  Elected Exec. BUTTE-SILVER BOW	
COUNTY		1 unit PETROLEUM COUNTY	ALL COUNTIES except: Petroleum Anaconda-Deer Lodge Butte-Silver Bow			
CITY TOWN	106 units with General Government Powers  6 units with Self- Government Powers: BROWNING CLYDE PARK FROMBERG GLASGOW HINGHAM NEIHART	2 units BOZEMAN  GREAT FALLS		2 units with Self-Government Powers: BROADVIEW  VIRGINIA CITY	9 units with elected executives:  ENNIS BRIDGER CIRCLE SUNBURST WEST YELLOWSTONE  with appointed executives:  HELENA BILLINGS POPLAR WHITEFISH	
TOTALS (181)	112	3	53	2	11	0

SUMMARY

181 local governments in Montana

162 local governments with general government powers

19 local governments with self-government powers

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<p><b>COMMISSION-EXECUTIVE</b> <b>7-3-203</b></p> <p>The commission-executive form (which may be called the commission-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as mayor) who is elected at-large.</p>	<p><b>COMMISSION-MANAGER</b> <b>7-3-301</b></p> <p>The commission-manager form (which may be referred to as the council-manager form) consists of an elected commission (which may be referred to as the council) and a manager appointed by the commission, who shall be the chief administrative officer of the local government affairs placed in his charge by law, ordinance, or resolution.</p>	<p><b>COMMISSION</b> <b>7-3-401</b></p> <p>The commission consists of an elected commission (which may be also called council) and other elected commissioners as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officials shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.</p>
<p><b>7-3-203</b></p> <ul style="list-style-type: none"> <li>1. enforce laws, ordinances and resolutions</li> <li>2. perform duties required by law, ordinances, or resolution</li> <li>3. administer affairs of the local government</li> <li>4. carry out policies set by the commission</li> <li>5. recommend measures to the commission</li> <li>6. report to the commission on the affairs and financial condition of the local government</li> <li>7. execute bills, notes, contracts and written obligations of the commission, subject to the approval of the commission</li> <li>8. report to the commission as the commission may require</li> <li>9. attend commission meetings and may take part in discussion</li> <li>10. execute the budget adopted by the commission</li> <li>11. appoint, with the consent of the commission, all members of boards; except the executive may appoint without consent of the commission temporary advisory committees established by the executive</li> </ul>	<p><b>7-3-304</b></p> <ul style="list-style-type: none"> <li>1. enforce laws, ordinances and resolutions</li> <li>2. perform duties required by law, ordinances, or resolution</li> <li>3. administer affairs of the local government</li> <li>4. carry out policies set by the commission</li> <li>5. recommend measures to the commission</li> <li>6. report to the commission on the affairs and financial condition of the local government</li> <li>7. execute bills, notes, contracts and written obligations of the commission, subject to the approval of the commission</li> <li>8. report to the commission as the commission may require</li> <li>9. direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance</li> <li>10. prepare the commission agenda</li> <li>11. attend commission meetings and may take part in the discussion but may not vote</li> <li>12. prepare and present the budget to the commission for its approval and execute the budget adopted by the commission</li> <li>13. appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance</li> <li>14. appoint members of temporary advisory committees established by the manager</li> </ul>	<p><b>7-3-414</b></p> <p>The chairman of the commission shall be:</p> <ol style="list-style-type: none"> <li>1. elected by the members of the commission from their own number for a term established by ordinance</li> <li>2. selected as provided by ordinance</li> <li>3. elected directly by the voters for a term established by ordinance</li> </ol> <p><b>7-3-403</b></p> <p>The chairman of commission, who may be referred to as the mayor, shall be the presiding officer of the commission. All members of boards and committees shall be appointed by the chairman with the consent of the commission. The chairman may be recognized as the head of the local government unit and may act as other members of the commission.</p>

COMMISSION—CHAIRMAN	TOWN MEETING	CHARTER
7-3-501  The commission-chairman form consists of an elected commission (which may be referred to as the council) and a commission chairman(who may be referred to as president or mayor) elected by the members of the commission from their own number and serving at the pleasure of the commission.	7-3-601  The town meeting form consists of an assembly of the qualified electors of a town (known as a town meeting), and an elected town chairman, who shall be a qualified elector, and an optional selected town meeting moderator. The town meeting form may be adopted only by incorporated cities or towns of less than 2,000 persons, as determined by the most recent decennial census as conducted by the United States Bureau of the Census unless a more recent enumeration of inhabitants be made by the state, in which case such enumeration shall be used for the purposes of this part. Any unit of local government which adopts this form may retain it even though its population increases to more than 2,000. All legislative powers of the town shall vest in the town meeting. The town meeting may enact rules, resolutions, and ordinances.	7-3-701  The purpose of this part is to comply with Article XI, section 5(1) of the Montana Constitution which provides "The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter, with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body." Charter provisions establishing executive, legislative, and administrative structure and organization are superior in statutory provisions.
7-3-503  1. enforce laws, ordinances and resolutions 2. perform duties required by law, ordinances, or resolutions 3. administer affairs of the local government 4. carry out policies set by the commission 5. recommend measures to the commission 6. report to the commission on the affairs and financial condition of the local government 7. execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission 8. report to the commission as the commission may require 9. attend commission meetings and may take part in the discussion 10. execute the budget adopted by the commission 11. appoint, with the consent of the commission, all members of boards; except the executive may appoint without consent of the commission temporary advisory committees established by the executive 12. direct, supervise, and administer departments, agencies, and offices of the local government except as otherwise provided 13. prepare the commission agenda 14. appoint, with the consent of the commission, all department heads, and the chairman may remove department heads and may appoint and remove all other employees 15. prepare the budget and present it to the commission for adoption 16. exercise control and supervision over the administration of departments and boards	7-3-606  The town meeting shall elect a town chairman for a term of not less than one year or more than two years. An unexpired term of a town chair shall be filled at the next annual meeting or special meeting of the town.  The town chair shall be the chief executive officer of the town and shall: a. enforce laws, ordinances, and resolutions b. perform duties required by law, ordinance, or resolution c. administer the affairs of the town d. prepare the town meeting agenda e. attend all annual and special town meetings f. recommend measures to the town meeting g. report to the town on the affairs of the town h. execute bonds, notes, contracts, and written obligations of the town, subject to the approval of the town i. appoint, with the consent of the town meeting, members of all boards and appoint and remove all employees of the town j. prepare the budget and present it to the town meeting for adoption k. exercise control and supervision of the administration of all departments and boards l. carry out policies established by the town meeting  Compensation of the town chair shall be established by ordinance but shall not be reduced during the current term of the town chair.	DUTIES ARE TO BE SPELLED OUT IN THE CHARTER

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# **LOCAL GOVERNMENT VOTER REVIEW ASSISTANCE NETWORK**

**TITLE: DISCUSSION/ANALYSIS  
OF FORMS OF LOCAL  
GOVERNMENT**

**MANUAL TAB: H  
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**PREPARED BY:** Originally drafted by James Lopach and Jean Bowman during the summer of 1983 under a contract from the Lt. Governor's Office with University of Montana's Bureau of Government Research; recently edited by Jonathan Tompkins, Assistant Professor in the Political Science Department, University of Montana, Missoula.

DISCUSSION/ANALYSIS:  
FORMS OF LOCAL GOVERNMENT

The source of the local government review process is the 1972 Montana Constitution. One basic premise of the review process is that change in form of local government can help a community solve some problem it is facing. Convention delegates believed that the state's counties and municipalities should have a wide variety of forms of government from which to choose. The Montana Legislature has carried out this intent by making available practically any governmental form that is in use in the United States. Therefore, where a community has voted to have a review process, the citizens can choose an alternative form that is tailored to their community's situation.

Although the review process was originally mandated to be carried out every ten years, a 1978 constitutional amendment provided that only those communities which vote to have a review process will have one. A study commission, in a community which votes to have local government review, has several choices with respect to its recommendation. A study commission can recommend:

1. Retention of existing form as it is;
2. Retention of the existing form with a slight change in structure, e.g., adopt at-large instead of district elections;
3. Retention of the existing form but with the addition of self-government (home rule) powers;
4. Adoption of an entirely new form of government, with or without self-government powers; and
5. Adoption of a charter which automatically includes self-government powers.

Regardless of the study commission's recommendation, the emphasis of its analysis and discussion will be a comparison of existing and alternative forms of government.

## What is a Form of Government?

Because the local government review process is concerned primarily with forms of local government, it is essential to have a definition of governmental form. A city or county form of government refers to the nature of the executive office and the legislative body. For example, in the commission-executive form the voters elect both an executive and a separate legislative body. In the commission form, voters elect commissioners who have both legislative and executive responsibilities. In the commission-manager form, the elected legislative body hires the executive or manager.

"Form" also refers to the degree of separation of responsibility between the executive and legislative bodies. In the commission-executive form it is possible to have a great deal of separation, or very little. In the commission-manager form there is clearly delineated separation. In the commission form there is no separation between the legislative and executive functions.

### Optional forms

Montana law contains five basic optional forms of government and a charter form which can be adopted by a unit of local government during the local government review process. It is important to emphasize that there are no longer county governmental forms and municipal governmental forms, as such, under Montana law. With the exception of the town meeting, any local government can use any authorized governmental form.

The five optional forms of local government are: commission-executive, commission-manager, commission, commission-chairman, and town meeting. The charter form is a plan of government that is designed and written by a municipal or county local government study commission and not by the state legislature.

Five Optional Forms

Study commissions have great latitude in recommending structural changes in county and municipal government. Each study commission has the initial responsibility of assessing the problems and needs of its community and relating these findings to the present governmental form. This study will be the basis for the commission's decision about the best alternative form to recommend for its community.

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**Commissioner-Executive Form (Montana Code, 7-3-201-224)**

The commission-executive form is the most familiar form of government that Montana municipalities and counties can adopt because of its long and extensive use in the state as the mayor-alderman form. The familiarity of this form is also due to the fact that the legislative and executive branches of both the national and Montana governments resemble the commission-executive form.

Description of Form. Montana law requires that the commission-executive form, previously called mayor-council form, consist of an elected policy-making or legislative body which is called the commission and an elected single chief executive. The executive is charged with the responsibility of enforcing local laws; administering the affairs of the local government; directing, supervising, and administering all departments and agencies of the local government; and executing the budget.

The commission-executive form, as it appears in Montana law, can be further defined by choices among sub-options which relate to powers and responsibilities of the commission and of the executive office. A study commission could provide for an executive with very strong powers. For example, the executive could have substantial power to appoint and remove department heads and employees, veto power that can be overridden only by a two-thirds vote of the commission, and sole responsibility for preparing the budget. Further sub-options as a mandatory administrative assistant or an appointed financial officer could also be provided.

On the other hand, a study commission could just as easily select sub-options which would tip the balance of power in many areas to the commission, thus making a "weak" executive. The commission could emerge as a stronger body relative to the executive if these sub-options were selected: some, or all, at-large commissioner districts, overlapping commissioner terms, a small-size commission, and a commission member designated as both chairman and presiding officer of the commission. Finally, Montana law provides for optional features under the commission-executive form--as under the other four optional forms--which have little to do with the strength of either the commission or the executive. For example, local government elections can be partisan or non-partisan; community councils for advising the commissioners of citizens' concerns and needs can be optional or mandatory, and elected officials' terms of office can be as long as four years.

Evaluation of form. Montana law, under the provisions for the commission-executive form, permits variations that range between those which are commonly referred to as the "weak mayor" and the "strong mayor" forms. An arrangement that tends toward the strong executive is characterized by a clear division between executive and legislative functions. A structural arrangement that tends toward the weak executive features a merging and blurring of executive and legislative functions. Under any variation of the commission-executive form, however, there always is an elected executive who is separate from the legislative body.

Governmental activity under a weak executive form is bound to be more gradual in pace and moderate in tone because initiating projects and making decisions become the shared responsibilities of the executive and legislative branches. This absence of clear delineation of executive and legislative duties makes an impasse between two strong and independent branches of government

unlikely. But such structural blurring also can create confusion. Administrative supervision tends to be uncoordinated and even lax, and policies can be in conflict with each other because of an excess of persons and boards with policy-making power.

The strong executive form checks these undesirable side effects of policy conflict and lack of coordination. The executive is clearly given strong administrative powers, and the commission's responsibilities are limited to policymaking. As a result, there can be little doubt about the location of power and accountability. Because power is concentrated under this form, the potential is high that the executive will be a prominent political figure as well as a strong administrator. There is likely to be increased public debate of major issues, and quick action or no action is more probable under this form than a government that functions at a slow pace.

Some people, however, think that having a strong executive gives excessive governmental and political power to one person--that it smacks of old-time bossism. Other criticisms are that the executive could be elected more on the basis of political popularity than administrative ability and that the executive's strong appointing power could be used for patronage purposes. But in general, the commission-executive form is attractive to many communities because of its "native flavor." Many counties and municipalities want their chief administrative official to be one of their own--regardless of whether the executive position is "strong" or "weak."

Use in Montana. One hundred and eleven of Montana's 126 municipalities operate under the commission-executive optional form of government as provided by the state legislature. Silver Bow County is consolidated with the city of Butte under a self-government charter with a commission-executive plan of government. In 1976 Madison County adopted a commission-executive charter, but voters chose to return to the optional form of commission government in 1982. Also, in 1976, the following six counties considered and voted down

reform proposals for commission-executive government: Cascade, Custer, Jefferson, Judith Basin, Lake, Madison, and Park.

Commission-Manager Form ([Montana Code](#), 7-3-301-318)

The commission-manager form frequently has been the object of county and municipal reorganization efforts throughout the nation. In Montana, the manager plan also has been a frequent goal of reformers. The manager form, as described in Montana law, is typical of that found in other states.

Description of form. The Montana commission-manager law provides that an appointed manager is the chief administrative officer of a local government. It leaves no doubt that this person is in charge of running the county or municipality on a daily basis. The manager, accordingly, is empowered to administer local governmental affairs; direct and supervise all departments and agencies; prepare and execute the budget; appoint, suspend, remove, and be responsible for all employees; and prepare the commission agenda.

Commissioners are clearly in "the driver's seat" in terms of being responsible for the government's policies and direction. This is because the commission is an elected ordinance-making body and the depository of all the county or municipality's powers. The commissioners appoint the manager on the basis of merit for an indefinite term and can dismiss the manager with a majority vote. The basic rationale of the form is strict separation between policy-making and administrative functions. This means that the professional manager is substantially independent of the elected commissioners in administering the day-to-day affairs of the government.

There is general agreement among supporters of the commission-manager form that the commission should have a small number of members who are elected at-large in non-partisan elections for overlapping terms. Commission-manager advocates also argue that the commission chairman should be chosen by commission

members from among themselves--thereby being merely one among equals. All of these features are authorized sub-options in Montana law, and those best suited to the particular needs of a community can be selected.

Evaluation of form. The commission-manager form is designed to increase the chances that governmental power will rest in the hands of a few competent persons. The key feature of the form is the professional manager who is appointed by the commission members.. Expectations for the form are based on the manager's abilities and duties.

Statutory provisions anticipate that the manager will be a proven administrator. The manager's appointment, unlike election of an executive official, virtually precludes the possibility of an incompetent or an amateur running a local government. The manager's full complement of administrative duties and responsibilities, therefore, should not be dangerously burdensome under this form--nor can they go unchecked, because the commissioners can terminate a manager who displeases them.

This concentration of administrative power in the manager's office is expected to lighten the work load of the commission. As a result, different kinds of people might be attracted to run for a seat on the commission--business or professional persons, for example, who are competent and who would be willing to spend a few hours a week in this job. County or city ordinance-making might be placed in the hands of a few "public-spirited" local citizens.

Critics of this form, however, find fault with its upper-middle class bias. Such an orientation allegedly stems from the manager's professionalism and at-large and non-partisan election of commissioners. Opponents also contend that a manager has too much power for a non-elected official. Another frequent criticism is that the form lacks an elected official who can emerge as a strong

policy spokesman for the public. These complaints are most likely to surface in communities that have a diverse occupational make-up (for example, strong pro-union and pro-business segments), a large population of poor persons, or communities that are experiencing significant changes.

Use in Montana. There are nine local government units in Montana which are organized under the commission-manager plan: Anaconda - Deer Lodge County (charter), Helena (charter), Billings (charter), Poplar (charter), Great Falls, Bozeman, Whitefish (charter), and Petroleum County. During the 1976 local government review process, 38 local government units (19 counties and 19 municipalities) voted on proposals for commission-manager government.

Commission Form (Montana Code, 7-3-401-442)

Previously termed the county commissioner form, the commission form is primarily a county phenomenon both with respect to Montana and the nation as a whole. It is used in 85 to 90 percent of the 3,000-plus counties in the United States. This form, moreover, has its roots in medieval England, and it has remained essentially unchanged since the middle of the nineteenth century.

But the commission form in city government is another story. Only about four percent of the nation's cities and towns are governed in this manner. The city commissioner form had its beginning in 1900 in Galveston, Texas. After a storm extensively damaged the city, a commission of five businessmen assumed control of the government to expedite the rebuilding program. A few other cities adopted the form after the Galveston commission performed admirably during the crisis.

Description of form. Unification is the theme of the commission form. Whereas a reputed strength of the commission-executive and commission-manager forms is separation of powers, the commission plan locates in the elected commissioners all legislative, executive, and administrative powers and duties.

In cities and towns, executive and administrative responsibilities are distributed among departments headed by individual commissioners.

The chairman of the commission is the presiding officer and is designated the "head of the local government unit." The chairman votes as a member of the commission and, despite the honor of the chair, has powers which do not significantly exceed those of the other commissioners. A study commission can provide for selection of a chairman by: election by the commission-membership, election by voters, or selection as provided by local ordinance.

Montana law leaves flexible the mechanics for electing commissioners. Elections can be at-large and/or by district and either partisan or non-partisan. Terms of office can be either concurrent or overlapping. A commission must have at least three members, but may have more. Length of term of elected officials is not to exceed four years, except that county commissioners elected under the traditional Montana plan of 14 elected county officials may have six-year terms.

One set of sub-options under the commission form allows a county study commission to reconstruct this traditional form of county government. The statute lists the customary eleven county row offices and then gives the study commission a series of choices for each office. For example, each position can be appointive or elective and mandated or left to the discretion of the county commission. Each position also can be eliminated as a separate office by the study commission, and the county commission can consolidate two or more of these traditional positions if they are retained.

Evaluation of form. The commission form is undoubtedly the most frequently criticized plan of local government in use in the United States. Its inherent weaknesses--attributable to the lack of a single executive--are: little policy leadership, poor administrative coordination, poor official accountability to citizens, and high likelihood of narrow administrative empires. The traditional county commissioner form with its long line of row offices also is viewed as too inefficient and expensive because its large number of elected officials

often operate autonomously of each other and lack clear-cut distinctions in their duties.

The sharp criticism the commission form receives is based primarily on its evaluation in an urban setting. For most cities and towns and for counties experiencing growing service demands and expanding functions, the form's lack of unified executive leadership is viewed as critical. In urban settings policy planning, administrative overview and control, reliable public information, and public accountability are extremely important, but the commission form is not known for these qualities.

On the other hand in rural counties that still function primarily as administrative arms of the state and are little involved in independent program operation, the basic commission form might continue to be a good plan of government. Elected county commissioners and an additional ten or eleven elected county officials mean government by friends and neighbors. These officials often are re-elected and become experienced, long-term public servants. As community natives, they reflect local attitudes and values, and their administration is characterized by informality and familiarity. But this kind of democratic flavor in government is possible today in fewer and fewer areas.

Use in Montana. Fifty-three of Montana's 56 counties operate under the commission plan of government (the exceptions are Deer Lodge, Silver Bow, and Petroleum counties), and not one of the state's 126 municipalities uses this form.

#### Commission-Chairman Form (Montana Code, 7-3-501-517)

The commission-chairman form of local government is an optional plan with which Montana has had little experience. In fact, this form of government is virtually unknown and untried in the United States. It is a hybrid mix of the commission and the strong executive forms.

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Description of form. This form features an elected commission and a commission chairman who is selected by the commissioners from among their number and serves at the commission's pleasure. The commissioners have only policymaking powers, and the chairman is the chief executive officer and the "head of the local government unit." The chairman, moreover, is the commission's presiding officer and has the same voting power as any other commissioner.

However, the executive powers of the chairman are significant. In fact, the chairman is assured all the powers of the executive in the commission-executive form, plus three strong formulations of powers that are optional under that plan. Veto power, however, is not available. As a result, the chairman is the focal point of full legislative and substantial executive powers.

The structural sub-options available to the commission-chairman form do not differ from those provided under other optional plans. But the commission's relationship to the community and to the chairman can be significantly altered by using various formulations of the following sub-options: at-large or district elections; partisan or non-partisan elections; concurrent or over-lapping terms; length of terms, not to exceed four years; commission size, which must not be less than five; and mandatory or optional community councils for advising commissioners of citizen needs and views.

Evaluation of form. The identifying characteristic of the commission-chairman form is its fusion of legislative and executive powers in one person. The arrangement has been referred to as a "parliamentary form" because of this basis for partnership government. Thus, if the chairman and commission majority are of one mind and/or one party, the stage could be set for decisive and unobstructed government.

The commission's choosing the local executive from its own membership, as members of a parliament select a prime minister, could benefit localities where

most of the qualified and interested persons are already involved in government as commissioners. The commission itself could be the best source of talent for a strong executive position. Another possible advantage of this form is that the executive could be replaced quickly if the commission decided the chairman is out of touch with the needs of the community or lacks abilities which a problem situation demands. Acting on its own initiative, the commission could renew the vigor and effectiveness of the executive office.

On the other hand, the selection process and nature of the chairman's position can be grounds for uneasiness. From the perspective of accountability, the voters are not able to choose directly the person who will exercise substantial executive powers. And, from the perspective of competency, the possibility exists that no commission member will measure up to the demands of the chairman's job.

The relationship between commission and chairman, by its very nature, also could result in unstable government. Because the powerful chairman retains office at the pleasure of the commission, rapid changeover in chairmen is possible. This could lead to major policy reversals. Some structural sub-options could aggravate this situation. For example, overlapping terms of office and short terms of office could result in high commission turnover and the possibility of frequently replacing the chairman.

Finally, a possible conflict of interest could be built into the commission-chairman form. If district elections for commissioners are used, the chief executive officer of the county or municipality could be elected to the commission by a small part of the total community and retain, along with the executive powers, duties as representative of the single district. The chairman, as chief executive, could find himself facing administrative decisions that could favor residents of his commission district over other residents.

Given these possible drawbacks of the commission-chairman form, its recommendation by a study commission should be a carefully considered decision. The form tends towards either big success or big failure and perhaps is risky.

Use in Montana. The commission-chairman optional form of government provided by the legislature is used in no Montana county but was adopted in Virginia City and Broadview in 1976. Six other localities voted down proposals to switch to commission-chairman government: Lima, Ekalaka, Cascade, Melstone, Conrad, and Wibaux County.

Town Meeting Form (Montana Code, 7-3-601-613)

In 1976, the state legislature made town meeting government available for the first time to towns of less than 2,000 persons. This governmental form, of course, has been used in New England for at least 200 years. The town meeting is an example of direct democracy. Its essential features are meant to reintroduce such democratic fundamentals as representation and responsiveness into small town public affairs. Montana's town meeting form permits small towns to weigh the merits of direct citizen participation in policy making, an advantage that small communities hold over larger urban areas.

Description of form. The "town meeting" itself is an assembly of all the qualified voters of a town. The meeting possesses all the policy-making powers of the town government. An annual town meeting is set by law for the first Tuesday of March, though special town meetings can be called by the town chairman or by 10 percent of the town's electors.

Official positions under the town meeting form are different than under other optional forms. The annual town meeting, by means of a non-partisan election and secret ballot, can select the town chairman and the town meeting moderator.

The town chairman position is mandatory and must be filled with a qualified elector of the town. The chairman serves as chief executive official of the town and is given substantial administrative powers. The following are included among the chairman's duties: administer the town's affairs, supervise and control all of the town's departments and boards, appoint and remove all employees, prepare the town meeting agenda, and prepare the town budget. The term of the chairman is not less than one year or more than two years.

The position of town meeting moderator is optional. The town meeting may elect a moderator for a one-year term to preside at annual and special town meetings, or the plan of government may require the town chairman to perform this duty. The role of town moderator can be used to separate the conduct of the town meeting from control of officials involved in the everyday administrative detail of the town government.

The town meeting agenda must be posted at least two weeks prior to the meeting date of the annual or specially-called assembly. The chairman prepares the agenda, but 10 percent of the town's electors can cause an item to be placed on the agenda. Moreover, Montana law requires that finance and taxation matters be openly dealt with and not hidden under an "other business" agenda heading.

Evaluation of form. The primary characteristic of the town meeting form is that citizens take direct part in policy making and tax levying rather than leaving these public chores to a representative body. A main purpose of this form is to overcome citizens' feelings of being separated from the workings of their town government. As such, this form may be suitable in Montana for small communities that are concerned about informal decision-making and a lack of openness in their present governmental systems.

An assessment of town meeting government must be based on New England's experience with the form, where it has been both criticized and praised.

Town meeting government has been called inadequate in the face of complex modern problems. For example, it has been charged that infrequent meetings lead to "episodic" government, that town employees dominate the town meetings, and that town meetings are too unwieldy for conducting a town's business.

On the other hand, this system seems to have proven satisfactory where governmental services are neither numerous nor complicated. A key advantage of this form lies in the ability of the town meeting to harness energies of volunteer citizens for the good of the community. Increased citizen participation in town affairs could reduce citizens' feelings of powerlessness and could make public services more responsive to community needs. The critical observation about the town meeting experience in New England is that it is a functioning system based on direct citizen involvement and it does have strong support.

The New England experience seems to argue that the town meeting may be uniquely appropriate for some small towns. In certain areas of Montana, where expectations of government are few and simple but where citizens feel, nonetheless, that government is distant and indifferent, the rare opportunity to experience direct democracy still exists.

Use in Montana. No municipality in Montana is organized as a town meeting government. Ennis, however, has a self-government charter that provides for commission-executive government with an annual "town meeting" at which the town's electors can veto past actions of the elected commissioners. During the local government review process in 1976, the following seven municipalities rejected ballot proposals for town meeting government: Manhattan, Eureka, Rexford, Valier, Terry, Outlook, and Judith Gap.

#### Charter Form (Montana Code, 7-3-701-709)

The best way to understand a local government charter is to compare it to a state constitution. Both documents describe how the government is to be

organized, explain what powers it can have, and are written by citizen-delegates. A charter also should be compared to a form of government provided by the state legislature. Like a charter, a form describes governmental organization, but the authors of a form of government are legislators and not local residents.

It must be pointed out that a local government charter is a less fundamental document than a state or national constitution. A charter is subject to the provisions of both the United States Constitution and the state constitution. In addition, certain specifics of a charter can be overruled by the state legislature. But despite these limitations, a charter gives a municipality or county greater control over how it handles its problems.

Description of form. The legislature has placed very few limitations on the form of local government that can be included in a charter. Provision must be made for a legislative body, either elected or consisting of all of the local government unit's qualified voters. If the members of the local legislative body are to be elected, the charter must specify the number of the body, the length of the term of office, whether terms are to be staggered or concurrent, and the procedures for removing office holders and filling vacancies.

In addition, the charter must indicate whether members of an elected legislative body will be nominated and elected by districts, at large, or by some combination of these two approaches. If districts are used for either nomination or election, they must be apportioned according to population and candidates must reside in the district for which they are running.

The legislature also has placed minimal restrictions on the administrative and executive functions to be provided for in the charter form of government. The legislature requires that the charter identify executive and administrative functions. These functions can be the responsibility of one or more officials, and these officials can be members of city or county commissions. In addition,

the executive/administrator can be elected or appointed, with the charter specifying term of office, powers and duties, and grounds for removal.

Other structural aspects of the charter form of government may be written into the charter or left to the discretion of the governing body of the local government. For example, either the charter or local ordinances can specify the officers, departmental structure, and use of boards and commissions. In addition, the use of community councils to assist members of the legislative body can be authorized by either charter or ordinance.

The legislature, therefore, has allowed the charter form of government to be the vehicle of structural versatility originally envisioned by the state's 1972 Constitutional Convention. As a result, a study commission choosing to write a charter can design virtually any form of government to fit its community's special situation.

Besides dealing with structural characteristics of government, a charter conveys self-government powers. This means that a charter government can exercise any power that is not prohibited by the Montana Constitution, by state law, or by the charter itself.

However, charter governments do not have unlimited powers. The legislature has specified limitations on the self-government powers of a charter unit. Charter provisions must not be in conflict with the following four kinds of statutory limitations:

1) Some specific powers that relate strictly to state matters are denied to self-government units, such as regulation of utility rates and definition of a felony. Legislators believed that because these are not of local concern, they should be exercised only through state action.

2) Some powers can be exercised by self-government units only when these powers have been expressly delegated by the legislature, for example authorization

of a local sales or income tax. The rationale for this restriction is that the nature of some admittedly local powers requires that they be exercised uniformly throughout the state.

3) When both state and self-government units have a legitimate interest in exercising certain powers, the self-government unit is completely free to act--unless a state agency or officer is already actively involved. In cases of such ongoing state regulation or control, concurrent activity by a self-government unit is permitted as long as its standards or requirements are not lower than the state's, as for example in the case of air quality regulation.

4) The final kind of limitation that the legislature has placed on self-government units concerns mandatory provisions. These provisions have to do with duties that all local governments must perform as agents of the state; or they consist of regulations that the constitution requires the state to impose on all units of local government; or they are justified on grounds of due process to protect citizens from the substantial impact of discretionary local action. Examples of this type of limitation are laws concerning local elections, planning and zoning regulations, and local government finance regulations.

Evaluation of form. Charter writing is an exacting and challenging activity. Its demands are burdensome enough that a study commission should ask whether or not the potential benefits warrant the undertaking.

If a study commission concludes from its analysis that some major reform is called for, charter writing may well be the proper avenue of response. The decision to embark upon charter writing should be based on a realistic assessment of the process in Montana. In most other states, charter writing is a method of taking on additional local government powers or acquiring a form of government not provided by the legislature. Charter writing is not necessary for

either of these objectives in Montana. The legislature has provided a vast array of optional forms of government for counties and municipalities, and any form except commission government can be given self-government powers.

This last point deserve emphasis. Charter writing is not the only way of securing self-government powers. A study commission can recommend retention of the existing form (except commission government) with the addition of self-government powers. The intention of the Montana Legislature was to allow the adoption of home rule without the extra burden of drafting a charter. In 1976, the following municipalities used this relatively easy route to self-government powers: Glasgow, Browning, Virginia City, Broadview, Fromberg, Neihart, Hingham, and Clyde Park.

Charter writing can secure certain advantages for some communities. A county or municipal study commission that elects to write a charter will be able to deny powers to its local government in addition to the limitations imposed by the Montana Constitution and state law. Such local denial is not available where an optional form of government provided by the legislature is adopted with self-government powers attached. Charter writing, therefore, allows greater control of local government powers--they can be increased or diminished.

Of greater advantage is the fact that a charter community can look more to itself than to the state legislature when deciding whether or not to take on a particular activity. A charter endows a local government with increased freedom to adjust to new situations. Charter writing also can result in citizens having a better understanding of their government because they had a hand in designing it.

Use in Montana. Thirteen local governments in Montana (eleven municipalities and two counties) have drafted and adopted self-government charters. These units

are: Anaconda consolidated with Deer Lodge County (manager), Butte consolidated with Silver Bow County (commission-executive), Ennis (commission-executive), Helena (manager), Billings (manager), Bridger (commission-executive), Circle (commission-executive), Poplar (manager), Sunburst (commission-executive), Whitefish (manager), and West Yellowstone (commission-executive). During the first cycle of local government review in 1976, 65 units of local government (39 counties and 26 municipalities) voted on proposals for charter government.

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# LOCAL GOVERNMENT VOTER REVIEW ASSISTANCE NETWORK

TITLE: QUICK REFERENCE CHART  
ON OPTIONS WITHIN FORMS  
(NATURE AND STRUCTURE  
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## OPTIONS WITH

	COMMISSION EXECUTIVE	COMMISSION MANAGER	COMMISSION
NATURE OF GOVERNMENT	7-3-202  The plan of government submitted to qualified electors shall determine the powers of the local government unit by authorizing: 1. general government powers or 2. self-government powers	7-3-302  The plan of government submitted to qualified electors shall determine the powers of the local government unit by authorizing 1. general government powers or 2. self-government powers	7-3-402  Local governments that adopt this form shall have general government powers.
STRUCTURAL OPTIONS:			
ADMINISTRATIVE ASSISTANTS	7-3-212 Executive (shall or may appoint one or more)		7-3-415 Commission (shall or may appoint one or more)
SUPERVISION OF PERSONNEL	7-3-213 Executive (shall or may appoint or remove employees and/or department heads)		
VETO POWER	7-3-214 Executive (may or may not veto, subject to override)		
PREPARATION OF BUDGET	7-3-215 Executive may prepare and (present to or consult with) the commission		
ADMINISTRATIVE SUPERVISION	7-3-216 Executive may supervise (with or without ordinance)		
FINANCE OFFICER	7-3-217 May be elected, appointed, or selected by ordinance		
SELECTION OF COMMISSION MEMBERS	7-3-218 Elected at large or by districts	7-3-313 Elected at-large or by districts	7-3-412 Elected at-large or by districts
SELECTION OF CHAIR	7-3-220 Elected or selected by ordinance	7-3-315 Elected by commission or by electors, or selected by ordinance	7-3-414 Elected by commission or by electors, or selected by ordinance
PRESIDING OFFICER	7-3-221 Chair or executive, with or without vote		
TYPE OF ELECTION	7-3-219 Partisan or non-partisan	7-3-314 Partisan or non-partisan	7-3-413 Partisan or non-partisan
TERMS OF COMMISSIONERS	7-3-222 Concurrent or overlapping	7-3-316 Concurrent or overlapping	7-3-416 Concurrent or overlapping
SIZE OF GROUP	7-3-223 Not less than 3, with elected community councils	7-3-317 Not less than 3, with elected community councils	7-3-417 Not less than 3, with elected community councils
TERMS	7-3-224 Not to exceed 4 years	7-3-318 Not to exceed 4 years	7-3-418 Not to exceed 4 years (except for certain Counties)
BOARD APPOINTMENT		7-3-312 By chair, manager, or commission	
	ADDITIONAL OPTIONS FOR MUNICIPALITIES  Strong Mayor 7-3-4101 through 7-3-4102 Commission 7-3-4201 through 7-3-4267 Commission Manager 7-3-4301 through 7-3-4466	MUNICIPALITIES—DISINCORPORATION 7-2-4901 through 7-2-4920	CONSOLIDATED GOVERNMENT  7-3-1101 through 7-3-1348  County 7-3-4322

	COMMISSION CHAIRMAN	TOWN MEETING	CHARTER
7-3-502	7-3-602	7-3-702	A charter form of government shall possess self-government powers.
The plan of government submitted to qualified electors shall determine the powers of the local government unit by authorizing: 1. general government powers or 2. self-government powers.	The plan of government submitted to qualified electors shall determine the powers of the local government unit by authorizing: 1. general government powers or 2. self-government powers.		
7-3-514 Commission chair (shall or may) appoint	7-3-613 Town chair (shall or may) appoint		
7-3-512 Elected at-large or by districts			7-3-704 Elected at-large or by districts
		7-3-612 Elected or designated	
7-3-513 Partisan or non-partisan			
7-3-615 Concurrent or overlapping			
7-3-516 Not less than 5, with elected community councils			
7-3-517 Not to exceed 4 years			
ADDITIONAL OPTIONS FOR COUNTIES  County officers 7-3-432 through 7-3-442	COUNTIES  ABANDONMENT AND CONSOLIDATION  7-2-2701 through 7-2-2759		

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**LOCAL GOVERNMENT  
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ASSISTANCE NETWORK**

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## SELF-GOVERNMENT AND GENERAL POWERS

The opportunity to obtain self-government powers partially reverses the so-called Dillon Rule which gave local governments only those powers expressly granted to them by state government. The 1972 Constitution allows local governments in Montana all powers except those expressly prohibited by the state's Constitution or statutory law. The essential premise of self-government powers is that local citizens should assume more responsibility for running their own local governments rather than leave these tasks to state politicians who do not understand local problems. Local governments choosing to retain general government powers are limited in their powers to those expressly granted by the state Constitution and statutory law.

A charter form of government automatically possesses self-government powers. Charter writing is not, however, the only way of securing self-government powers. A study commission can recommend retention of the existing form (except commission government) with the addition of self-government powers. Or, a study commission can recommend adopting a new form of government (except the commission form) which includes self-government powers. Thus, local governments can adopt home rule without the extra burden of drafting a charter. In 1976, the following municipalities adopted self-government powers without writing a charter: Glasgow, Browning, Virginia City, Broadview, Fromberg, Neihart, Hingham, and Clyde Park.

## DISCUSSION OF STRUCTURAL OPTIONS

The Montana Legislature has provided counties and municipalities with probably the widest choice of governmental forms that exists in any state in the nation. In order to provide even greater flexibility, legislators have made it possible for counties and municipalities to further define each governmental form by permitting choices among several structural sub-options. The suboptions relate directly to the legislative and executive functions and can be used to give a more specific focus to the governmental form. Fourteen of these structural suboptions are described below.

Administrative Assistants. The commission-executive, commission-chairman, and town meeting forms of government, as defined in statutory law, provide for the appointment of one or more administrative assistants to aid executives in the supervision and operation of local government. The key decision faced by study commissioners under this suboption involves specifying whether the executive shall or may appoint such administrative assistants.

Comment. The use of administrative assistants may be advantageous in such areas as revenue and personnel, but in practice, local government executives often have not availed themselves of this kind of professional assistance. Study commissioners may wish, therefore, to mandate appointment of administrative assistants. Study commissioners should keep in mind, however, that by mandating appointment of administrative assistants they will be contributing to development of a strong executive form of government in that these assistants will be answerable solely to the executive, with the exception that under the commission form of government administrative assistants are appointed by and answerable to the commission as a whole.

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Supervision of Personnel. The authority of the executive under each form of government generally includes authority to appoint, suspend, and remove government employees. Under the commission-executive form of government, however, Montana's statute law allows study commissioners to choose among four distinct options. They must decide whether the executive may:

- (1) appoint and remove all employees of the local government;
- (2) appoint and remove, with the consent of a majority of the commission, all employees of the local government;
- (3) appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees; or
- (4) appoint and remove, with the consent of a majority of the commission, all department heads and appoint and remove all other employees of the local government.

Comment. Before choosing among these options, study commissioners should first decide whether they wish to establish an executive who is strong or weak relative to the local legislative body. Option #1 places no limitations on the appointment and removal powers of the executive, and thereby contributes to establishing a strong executive form of government. Option #2, by contrast, greatly limits the power and authority of the executive by requiring the commission's consent in all appointment and removal decisions. Options #3 and #4 represent intermediate positions. Option #3 requires the commission's approval for decisions involving the appointment of department heads, positions generally considered of great importance for the proper and efficient operation of government. The executive under this option retains removal powers for department heads as well as appointment and removal powers for all other employees. Option #4 requires the commission's approval for decisions involving appointment and removal of department heads, while the executive retains appointment and removal powers for all other government employees.

Veto Power. Under the commission-executive form of government, study commissioners have the opportunity to provide the executive with power to veto ordinances and resolutions passed by the commission. Study commissioners may choose from among three distinct options. The executive may:

- (1) veto ordinances and resolutions, subject to override by a majority plus one of the whole number of the commission;
- (2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission; or
- (3) sign all ordinances and resolutions with no veto power.

Comment. One of the characteristics distinguishing a weak executive from a strong executive is veto power. Option #3 allows the executive no veto power. Option #1 provides the executive with veto power but makes it relatively easy for the legislative body to override a veto by requiring only a majority plus one vote. Option #2 provides the executive with veto power while requiring a two-thirds vote of the legislative body to override a veto. This option is consistent with a strong executive form of government and has been common among local governments in Montana.

Preparation of the Budget. In most forms of government provided by Montana law the executive officer prepares the budget and submits it to a commission for approval. Under the commission-executive form of government, however, study commissioners must decide the extent of the executive's budget authority. The executive shall:

- (1) prepare the budget and present it to the commission for adoption; or
- (2) prepare the budget in consultation with the commission and department heads.

Comment. The means by which the budget is prepared is important for establishing whether the executive is to be weak or strong. Option #1 contributes to a strong executive form of government by providing the

executive with authority to prepare the budget for the executive departments independent of the commission. Under Option #2, by contrast, department heads need not conform to budget guidelines established by the executive but may go directly to the commission for approval of their budgets.

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Administrative Supervision. Under most forms of government the executive officer directs and supervises department heads and boards within the limits established by law or local ordinances. Under the commission-executive form, however, greater independence may be allowed the executive. The executive shall:

- (1) exercise control and supervision of the administration of all departments and boards; or
- (2) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

Comment. This suboption provides study commissioners further discretion in deciding how strong or weak the executive will be, based upon the degree to which administrative functions are shared with the commission. Option #1 centralizes administrative authority in the hands of the executive. Option #2 allows commissions to share some administrative functions as established by ordinance.

Finance Officer. Montana statute law allows study commissioners considering adoption of the commission-executive form of government to specify how the financial officer (treasurer) is to be selected. Commissioners must decide whether the finance officer:

- (1) shall be elected;
- (2) shall be appointed by the executive with the consent of the commission;
- (3) shall be selected as provided by ordinance; or

(4) may, at the discretion of the commission, be selected as provided by ordinance.

Comment. Option #1 allows study commissioners to mandate an elected treasurer, a governmental position which is common among municipalities and counties in Montana. Option #2 brings the position of treasurer more clearly under the authority of the executive who appoints him or her with the consent of the commission. Option #3 mandates the position of treasurer while allowing the commission to decide at a future date how the treasurer is to be selected. Finally, Option #4 allows study commissioners to omit the office of treasurer while providing the commission the authority to establish such an office at a future date.

Selection of Commission Members. For the five forms of government having elected commissions, statute law provides four options regarding how commissioners are to be selected:

- (1) elected at large;
- (2) elected by districts in which candidates must reside and which are apportioned by population;
- (3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside; or
- (4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.

Comment. Proponents of the at-large system argue that voters ought to elect commissioners who will take into account the interests of the entire local government. Election by districts, they argue, results in a fragmented commission in which local government-wide interests do not receive a fair hearing. Those favoring the district system say that diversity within the local government area demands that each section of that area have a representative voice on the commission. They argue that the at-large system

does not give representation to minority interests. Groups without sufficient power to win at-large elections might win representation under the district system.

Option #3 provides a means for avoiding the problem of having all at-large commissioners elected from the same area of the city or county. This system is still used commonly by county governments in Montana. Option #4 represents an attempt to obtain the advantages of both the at-large system and the district system at once. Critics argue, however, that it only succeeds in diluting the merits of both systems.

Selection of Chair. When considering adoption of the commission-executive form of government, study commissioners must choose between two options regarding how the commission's chairman is to be selected. The commission shall have a chairman who shall be:

- (1) elected by the members of the commission from their own number for a term established by ordinance; or
- (2) selected as provided by ordinance.

Comment. In Montana and nationally, the most common means of selecting a commission chairman is for the commissioners to elect a chairman from their own number (option #1). If study commissioners prefer not to mandate the means of selecting a chairman, they may allow the commission to consider alternatives and to establish such means by ordinance at a later date (option #2).

Under the commission-manager and commission forms of government, study commissioners have a third option in addition to the two allowed under the commission-executive form. They may mandate that the chairman be elected by the qualified electors for a specified term of office. For example, one position on the commission could be designated as the chairman,

and candidates could file for office specifically for this position. Proponents of this option argue that the chairman is sufficiently powerful to warrant that the voters participate in his or her selection.

Presiding Officer. The commission chairman will generally be the presiding officer at meetings of the commission under most governmental forms. Under the commission-executive and town meeting forms, however, other options are provided.

Under the commission-executive form of government, four options are allowed by law. The presiding officer of the commission shall be:

- (1) the chairman of the commission, who may vote as other members of the commission;
- (2) the executive, who may vote as the commissioners;
- (3) the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent); or
- (4) the executive, but he may not vote.

Comment. In the commission-executive form with its separately elected executive, the question arises as to whom should preside at commission meetings. Should the executive preside over meetings, and if so, what should be his or her voting role?

Option #1 designates the chairman of the commission as the presiding officer of the commission. Option #2 designates the executive as presiding officer and grants him or her full voting powers on the commission, essentially making the executive a member of the commission. Option #3 designates the executive as the presiding officer and grants him the power to vote only in instances in which the commission has reached a tie vote. Finally, option #4 designates the executive as the presiding officer but gives him or her no power to vote. Study commissions, therefore, have the opportunity to determine the degree of separation between the executive

and the commission which will best suit the needs of their particular locality.

Under the town meeting form of government, study commissioners have two options. The town meeting shall:

(1) elect a town meeting moderator for a term of 1 year, who shall be the presiding officer of all annual and special town meetings but who shall have no other governmental powers; or

(2) designate the town chairman as presiding officer of all annual and special town meetings.

Comment. This suboption asks study commissioners how much power or authority they are willing to place in the hands of the town chairman. Some may feel that making the chairman both executive officer and presiding officer places too much power in the hands of one person.

Type of Election. Local government elections can be conducted in either of two ways under the commission-executive, commission-manager, commission, and commission-chairman forms of government: either on a partisan basis or nonpartisan basis.

Comment. Debate continues to be heard regarding the merits of partisan versus nonpartisan elections. Reformers at the turn of the century advocated nonpartisan elections as a means of removing partisan strife and special interests from government and allowing government to concentrate on the efficient provision of services. Advocates of partisan elections, by contrast, continue to argue that political conflict is an essential element of government and that partisan elections assure that the special needs of the people are represented.

Terms of Commissioners. Terms of office for commission members under the commission-executive, commission-manager, commission, and commission-chairman forms of government may be either concurrent or overlapping.

Comment. The principal argument in favor of concurrent terms is that it allows citizens to throw all commissioners out of office at once if they are dissatisfied with the commission's performance as a whole. The principal argument in favor of staggered or overlapping terms is that it allows continuity of leadership by retaining some experienced commissioners while allowing new members with fresh insights to be added to the commission with each election. Traditionally, overlapping terms of office has been the norm among local governments in Montana.

Size of Group. Under the commission-executive, commission-manager, and commission forms of government, the size of the commission is to be not less than three, with the actual number being specified and voted on by the voters when the form is adopted. The same holds under the commission-chairman form except that the commission must consist of at least five.

Comment. Traditionally county commissions have been comprised of from three to five members. Municipal councils have been generally much larger. Study commissioners must find a proper balance between a commission that is large enough to assure adequate representation but not so large that it sacrifices efficiency. Commissions of only three are probably not sufficiently large to assure adequate representation. This is particularly true where study commissioners have decided to elect commissioners on a district basis.

Study commissioners have an additional choice when considering these four forms of government. They may decide whether to propose establishment of community councils or to allow the issue to be decided by ordinance at a later date:

- (1) community councils of at least three members shall be elected within each district to advise the commissioner from that district.

Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or

- (2) community councils to advise commissioners may be authorized by ordinance.

Comment. The community council option exists for those communities that wish to increase opportunities for citizen participation in the governmental process. It is intended as an advisory board so that commissioners can better know the concerns of voters. Councils would typically meet once a month with their commissioner to discuss local issues. The commissioner would discuss issues and activities, and report on upcoming decisions of the city or county commission.

Terms of Elected Officials. Terms of office for commissioners under the commission-executive, commission-manager, commission, and commission-chairman forms of local government are not to exceed four years. An exception is that terms for commissioners in counties adopting the traditional county commission form authorized by Article XI Sec. 3(2) of the Constitution may not exceed six years. The specific term recommended by study commissioners is to be established when the form is adopted by the voters.

Comment. Four years is the typical term of office for municipal commissions, while terms for county commissioners have typically ranged from four to six years. Study commissioners presently do not have the option of considering six-year terms except where they are proposing adoption of the traditional county commission form authorized by the Constitution.

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Board Appointment. Choices must be made under the commission-manager form of government regarding the appointment of members to government boards. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by:

- (1) the chairman with the consent of the commission;
- (2) the manager with the consent of the commission; or
- (3) the commission

Comment. Under the commission-executive form, the executive appoints boards with the consent of the commission. Under the commission-chairman form, the chairman appoints boards with the consent of the commission. Under the commission-manager form, however, it is less clear where the appointment powers should lie. Traditionally these appointments have fallen to the commission or the commission chairman.

## CONSOLIDATION AND DISINCORPORATION

The Montana Legislature has permitted counties and municipalities to add, beyond the suboption choices, still another dimension to their forms of government. In addition to recommending an alternative form of government through local government review, study commissions have the opportunity to place one of several kinds of cooperative arrangements on the ballot. Residents of Montana counties and municipalities could be given the opportunity by their study commissions to adopt one of the following cooperative arrangements:

1. County-municipality consolidation;
2. County-county consolidation; or
3. Disincorporation.

With the exception of disincorporation, a cooperative arrangement question would appear on the voter review ballot in addition to the alternative form question. A cooperative arrangement recommendation would result from a joint study conducted by study commissions representing the local governments concerned. A disincorporation proposal, however, would be placed on the ballot by a municipal study commission in lieu of an alternative form recommendation.

County-municipality or County-county Consolidation. Counties and municipalities might contemplate consolidation for a number of reasons. Merger is usually motivated by the fact that there are simply too many governments in an area, including special districts as well as municipal and county governments. An excessive number of local governments may mean that each individual unit is too small to perform its functions efficiently. Where these local governments overlap and perform similar functions, services are likely to be duplicated. A consolidated government may be able to take

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advantage of economies of scale in services such as road maintenance, waste disposal, and law enforcement, whereas the existence of several local government units can both obscure lines of responsibility and unnecessarily drive up governmental costs.

Two other consequences of too many local governments in an area are tax and service inequities and inadequate planning. Where local government boundaries do not coincide with actual service use and service need, nonresidents often take advantage of governmental services without direct tax assessment. For example, residents of urban fringe areas use city recreational facilities, drive on city streets, and increase the requirement for traffic control devices, although they do not pay city taxes. Unless there is areawide orderly growth planning, present tax and service inadequacies could continue far into the future.

In 1976 during the first cycle of local government review, Butte and Silver Bow County and Anaconda and Deer Lodge County adopted county-municipality consolidation. During the same period Missoula and Missoula County rejected consolidation.

Disincorporation. Disincorporation is neither a governmental form nor a cooperative arrangement. It is a radical governmental approach that suggests that the best way to solve governmental problems is to terminate the government. A city or town by disincorporating will lose its legal status and identity and, theoretically, will receive in exchange equal or better governmental services from the county at the same or reduced cost.

Disincorporation may be a wise course of action for some Montana municipalities. Reasons exist why a community would want to divest itself of its corporate status and turn to the county and special districts for necessary public services. For example, some small towns in the state may have been forced into incorporation by the previous inflexibility of Montana law, and

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disincorporation could offer a release from many burdens. Where these towns presently might be saddled with inefficient services and a low tax base, disincorporation could provide a route to improved governmental performance.

As noted above, however, disincorporation is a radical move and should be considered only after careful evaluation. Four municipalities considered and defeated ballot proposals for disincorporation in 1976: Columbia Falls, West Yellowstone, Libby and Wibaux.

Service Consolidation or Transfer. During the 1970s Montana's statutory law provided study commissioners with the option of recommending consolidation and/or transfer of governmental services. This option has since been removed from the law, and local government study commissions presently do not possess the authority to accomplish service consolidation or transfer. The analysis that follows is included here because of the possibility that the 1985 legislature will restore this option to study commissioners.

Service consolidation or transfer can appear as an attractive structural arrangement for small and large municipalities as well as for rural and urban counties. A large municipality, for example, may find that certain of its functions are being significantly duplicated by the county. Waste, duplication, and overlap could be eliminated by transferring certain functions to the county or by consolidating similar operations.

For small towns, service consolidation or transfer could be based on an awareness that some services presently cannot be economically and efficiently provided and that the provision of some services should become more than a local responsibility. The level of government that would assume the small town's transferred functions normally would be the county.

Likely candidates for consolidation or transfer are construction and maintenance of roads, snow removal, and law enforcement. One advantage of this approach is that a larger area can handle more efficiently functions now administered by small units because the larger unit is in a position to hire trained personnel and purchase proper equipment. Consolidation or transfer of function could lead to enlargement of the county's responsibilities and to strengthening of its administrative system.

For two or more rural counties, consolidation or transfer of functions might not hold the same advantages as they do for a small town and a county. Provision of some county services is quite obviously affected by population density. Road construction and road maintenance, for example, may be nearly as costly for a multi-county service area; rural fire districts may not serve a larger area efficiently; and a central garbage pit for a multi-county area may not necessarily be practical. Those services that depend heavily on a pattern of distribution tied to transportation costs may not, therefore, be much cheaper in a multi-county area in Montana.

Other county services, however, may be more efficiently provided on a larger scale. Central purchasing and accounting operations, for example, could result in substantial savings. A decision to transfer or consolidate these services would reduce institutional overhead by eliminating one set of officials. An attractive feature of this arrangement is that the benefits of cooperation are realized without the liabilities of full-scale consolidation.

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# **LOCAL GOVERNMENT VOTER REVIEW ASSISTANCE NETWORK**

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STATUTES  
FORMS AND STRUCTURAL OPTIONS

- Contents -

Constitution -- Local Government Article . . . . .	K2
Nature of Self-Government Local Governments . . . . .	K4
Alternative Forms of Local Government	
General Provisions . . . . .	K7
Commission-Executive Government . . . . .	K10
Commission-Manager Government . . . . .	K13
Commission Government . . . . .	K16
Commission-Chairman Government . . . . .	K20
Town Meeting Government . . . . .	K22
Charter Government . . . . .	K24
City-County Consolidation -- Option 1 . . . . .	K26
"Traditional" Forms (Cites Only) . . . . .	K28
Disincorporation of Municipalities . . . . .	K29
Abandonment and Consolidation of Counties (Cites Only) . . . . .	K32
General Provisions Related to Services	
Interlocal Agreements . . . . .	K33
Interlocal Cooperation Commission . . . . .	K34
Consolidation and Transfer of Services . . . . .	K39

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THE  
CONSTITUTION  
OF THE  
STATE OF MONTANA

ARTICLE XI  
LOCAL GOVERNMENT

Section

1. Definition.
2. Counties.
3. Forms of government.
4. General powers.
5. Self-government charters.
6. Self-government powers.
7. Intergovernmental cooperation.
8. Initiative and referendum.
9. Voter review of local government.

**Section 1. Definition.** The term "local government units" includes, but is not limited to, counties and incorporated cities and towns. Other local government units may be established by law.

**Section 2. Counties.** The counties of the state are those that exist on the date of ratification of this constitution. No county boundary may be changed or county seat transferred until approved by a majority of those voting on the question in each county affected.

**Section 3. Forms of government.** (1) The legislature shall provide methods for governing local government units and procedures for incorporating, classifying, merging, consolidating, and dissolving such units, and altering their boundaries. The legislature shall provide such optional or alternative forms of government that each unit or combination of units may adopt, amend, or abandon an optional or alternative form by a majority of those voting on the question.

(2) One optional form of county government includes, but is not limited to, the election of three county commissioners, a clerk and recorder, a clerk of district court, a county attorney, a sheriff, a treasurer, a surveyor, a county superintendent of schools, an assessor, a coroner, and a public administrator. The terms, qualifications, duties, and compensation of those offices shall be provided by law. The Board of county commissioners may consolidate two or more such offices. The Boards of two or more counties may provide for a joint office and for the election of one official to perform the duties of any such office in those counties.

**Section 4. General powers.** (1) A local government unit without self-government powers has the following general powers:

(a) An incorporated city or town has the powers of a municipal corporation and legislative, administrative, and other powers provided or implied by law.

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- (b) A county has legislative, administrative, and other powers provided or implied by law.
  - (c) Other local government units have powers provided by law.
  - (2) The powers of incorporated cities and towns and counties shall be liberally construed.

**Section 5. Self-government charters.** (1) The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body.

(2) If the legislature does not provide such procedures by July 1, 1975, they may be established by election either:

- (a) Initiated by petition in the local government unit or combination of units; or
- (b) Called by the governing body of the local government unit or combination of units.
- (3) Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

**Section 6. Self-government powers.** A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter. This grant of self-government powers may be extended to other local government units through optional forms of government provided for in section 3.

**Section 7. Intergovernmental cooperation.** (1) Unless prohibited by law or charter, a local government unit may

- (a) cooperate in the exercise of any function, power, or responsibility with,
- (b) share the services of any officer or facilities with,
- (c) transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state, or the United States.

(2) The qualified electors of a local government unit may, by initiative or referendum, require it to do so.

**Section 8. Initiative and referendum.** The legislature shall extend the initiative and referendum powers reserved to the people by the constitution to the qualified electors of each local government unit.

**Section 9. Voter review of local government.** (1) The legislature shall, within four years of the ratification of this constitution, provide procedures requiring each local government unit or combination of units to review its structure and submit one alternative form of government to the qualified electors at the next general or special election.

(2) The legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election. Approval by a majority of those voting in the decennial general election on the question of undertaking a local government review is necessary to mandate the election of a local government study commission. Study commission members shall be elected during any regularly scheduled election in local governments mandating their election.

**MONTANA CODE ANNOTATED  
1983**

## TITLE 7

## LOCAL GOVERNMENT

CHAPTER 1

## GENERAL PROVISIONS

## **Part 1 — Nature of Self-Government Local Governments**

**7-1-101. Self-government powers.** As provided by Article XI, section 6, of the Montana constitution, a local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter. These powers include but are not limited to the powers granted to general power governments.

History: En. 17A-7-101 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 17A-7-101.

Cross-References	Self-government consolidated units of local government, 7-5-201.
Powers of general powers counties,	7-1-2103.
Powers of general powers municipalities,	
7-1-4124	

**7-1-102. Authorization for self-government services and functions.** A local government with self-government powers may provide any services or perform any functions not expressly prohibited by the Montana constitution, state law, or its charter. These services and functions include but are not limited to those services and functions which general power government units are authorized to provide or perform.

History: En. 47A-7-102 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-102.

**7-1-103. General power government limitations not applicable.** A local government unit with self-government powers which elects to provide a service or perform a function that may also be provided or performed by a general power government unit is not subject to any limitation in the provision of that service or performance of that function except such limitations as are contained in its charter or in state law specifically applicable to self-government units.

History: En. 47A-7-103 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-103.

**7-1-104. Legislative power vested in legislative bodies.** The powers of a self-government unit, unless otherwise specifically provided, are vested in the local government legislative body and may be exercised only by ordinance or resolution.

History: En. 47A-7-104 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-104.

**Cross-References**  
Local government ordinances and resolutions,  
Title 7, ch. 5, part 1.

**7-1-105.** **State law applicable until superseded.** All state statutes shall be applicable to self-government local units until superseded by ordinance or resolution in the manner provided in chapter 5, part 1 and subject to the limitations provided in this part.

**History:** En. 47A-7-105 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-105.

**7-1-106. Construction of self-government powers.** The powers and authority of a local government unit with self-government powers shall be liberally construed. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority.

History: En 47A-7-106 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-106.

**Cross-References**

Powers to be liberally construed, Art. XI, sec. 4, Mont. Const.

**7-1-107 through 7-1-110 reserved.**

**7-1-111. Powers denied.** A local government unit with self-government powers is prohibited the exercise of the following:

(1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;

(2) any power that applies to or affects the provisions of Title 39 (labor, collective bargaining for public employees, unemployment compensation, or workers' compensation) or 7-33-4128, except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;

(3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power which it is required by law to exercise regarding the public school system;

(4) any power that prohibits the grant or denial of a certificate of public convenience and necessity;

(5) any power that establishes a rate or price otherwise determined by a state agency;

(6) any power that applies to or affects any determination of the department of state lands with regard to any mining plan, permit, or contract;

(7) any power that applies to or affects any determination by the department of natural resources and conservation with regard to a certificate of environmental compatibility and public need;

(8) any power that defines as an offense conduct made criminal by state statute or which defines an offense as a felony or which fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500 or 6 months' imprisonment or both such fine and imprisonment, except as specifically authorized by statute;

(9) any power that applies to or affects the right to keep or bear arms, except that it has the power to regulate the carrying of concealed weapons;

(10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;

(11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 (professions and occupations) as prerequisites to the carrying on of a profession or occupation;

(12) any power that applies to or affects Title 87 (fish and wildlife) or Title 75, chapter 7, part 1 (streambeds).

History: En. 47A-7-201 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-201; amd. Sec. 3, Ch. 375, L. 1983.

**Compiler's Comments**

1983 Amendment: In middle of (2), deleted reference to 7-33-4129 after 7-33-4128.

**Cross-References**

Public employee pensions, Title 19.

School finance, Title 20, ch. 9.

Montana criminal code, Title 45.

Concealed weapons — offense, 45-8-315 through 45-8-317.

Traffic offenses — local powers, 61-8-103.

Public utilities and carriers — Public Service Commission — rates and charges, Title 69.

Motor carriers — certification of public convenience and necessity, Title 69, ch. 12, part 2.

Certification of environmental capability and public need — major facility siting, 75-20-201.

Department of State Lands — state mineral leases, Title 77, ch. 3.

**7-1-112. Powers requiring delegation.** A local government with self-government powers is prohibited the exercise of the following powers unless the power is specifically delegated by law:

(1) the power to authorize a tax on income or the sale of goods or services, except that this section shall not be construed to limit the authority of a local government to levy any other tax or establish the rate of any other tax;

(2) the power to regulate private activity beyond its geographic limits;

(3) the power to impose a duty on another unit of local government, except that nothing in this limitation shall affect the right of a self-government unit to enter into and enforce an agreement on interlocal cooperation;

(4) the power to exercise any judicial function, except as an incident to the exercise of an independent self-government administrative power;

(5) the power to regulate any form of gambling, lotteries, or gift enterprises.

History: En. 47A-7-202 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-202.

**Cross-References**

Municipal Courts, Title 3, ch. 6.	Interlocal cooperation agreements, Title 7, ch. 11.
Justices' Courts, Title 3, ch. 10.	Gambling, Title 23, ch. 5.
City Courts, Title 3, ch. 11.	Extrajurisdictional planning and zoning permitted, 76-1-505.
Local government taxation — generally, Title 7, ch. 6, part 25 (counties); Title 7, ch. 6, part 44 (municipalities).	

**7-1-113. Consistency with state regulation required.** (1) A local government with self-government powers is prohibited the exercise of any power in a manner inconsistent with state law or administrative regulation in any area affirmatively subjected by law to state regulation or control.

(2) The exercise of a power is inconsistent with state law or regulation if it establishes standards or requirements which are lower or less stringent than those imposed by state law or regulation.

(3) An area is affirmatively subjected to state control if a state agency or officer is directed to establish administrative rules governing the matter or if enforcement of standards or requirements established by statute is vested in a state officer or agency.

History: En. 47A-7-203 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-203.

**7-1-114. Mandatory provisions.** (1) A local government with self-government powers is subject to the following provisions:

(a) All state laws providing for the incorporation or disincorporation of cities and towns; for the annexation, disannexation, or exclusion of territory from a city or town; for the creation, abandonment, or boundary alteration of counties; and for city-county consolidation;

(b) Sections 7-3-104 through 7-3-106, 7-3-111 through 7-3-114, and 7-3-1101 through 7-3-1105;

(c) All laws establishing legislative procedures or requirements for units of local government;

(d) All laws regulating the election of local officials;

(e) All laws which require or regulate planning or zoning;

(f) Any law directing or requiring a local government or any officer or employee of a local government to carry out any function or provide any service;

(g) Any law regulating the budget, finance, or borrowing procedures and powers of local governments, except that the mill levy limits established by state law shall not apply;

(h) Title 70, chapters 30 and 31.

(2) These provisions are a prohibition on the self-government unit acting other than as provided.

History: En. 47A-7-204 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-204.

**Cross-References**

Planning and zoning, Title 76, ch. 2.

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## CHAPTER 3

### ALTERNATIVE FORMS OF LOCAL GOVERNMENT

#### Part 1 — General Provisions

**7-3-101. Compliance with constitution.** (1) The purpose of parts 1 through 7 is to comply with Article XI, section 3(1), of the Montana constitution, which provides: "The legislature shall provide such optional or alternative forms of government that each unit or combination of units may adopt, amend, or abandon an optional or alternative form by a majority of those voting on the question."

(2) Parts 1 through 7 establish the alternative forms of government for cities, towns, counties, and consolidated governments. These parts shall be liberally construed to facilitate the adoption of a form of local government.

History: En. 47A-3-201 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-201; amd. Sec. 1, Ch. 262, L. 1979.

**Cross-References**

Liberal construction, Art. XI, sec. 4(2), Mont. Const.

**7-3-102. Adoption of alternative form.** Each local government in the state shall adopt one of the alternative forms of government provided for in parts 1 through 7, including one of each suboption authorized:

(1) the commission-executive form (which may also be called the council-executive, the council-mayor, or the commission-mayor form);

(2) the commission-manager form (which may also be called the council-manager form);

(3) the commission form;

(4) the commission-chairman form;

(5) the town meeting form; or

(6) the charter form.

History: En. 47A-3-202 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-202.

**7-3-103. Amendment of self-government charter or adopted alternative form of government.** (1) An amendment to a self-government charter or an adopted alternative form of government may only be made by submitting the question of amendment to the electors of the local government. To be effective, a proposed amendment must receive an affirmative vote of a majority of the electors voting on the question. An amendment approved by the electors becomes effective on the first day of the local government fiscal year following the fiscal year of approval unless the question submitted to the electors provides otherwise.

(2) An amendment to a self-government charter or an adopted alternative form of government may be proposed by initiative by petition of 15% of the electors of the local government or by ordinance enacted by the governing body. The question on amendment of a charter or an adopted alternative form of government shall be submitted to the electors as soon as possible after the submission of a petition or enactment of a resolution, either at a regularly scheduled election or at a special election.

(3) The local government, by ordinance, may provide procedures for the submission and verification of initiative petitions.

History: En. 47A-3-209 by Sec. 4, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-209.

**Cross-References**

Effective date of alternative plan or amend. ment, 7-3-156.

Petition requirements, 7-5-132 through 7-5-136.

Elections on ballot issues, 7-5-136.

Local government fiscal years, 7-6-2201, 7-6-4101.

**7-3-104. Limitation on change in alternative form.** The electors of any unit of local government which has adopted a new alternative form of local government may not vote on the question of changing the form of local government until 3 years after the new alternative form of local government becomes effective, but the voters may vote on amendments to the alternative form or service or functional transfers.

History: En. 16-5115.11 by Sec. 14, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.11(part).

**Cross-References**

Three-year moratorium on change, 7-3-155.

**7-3-105. Plan of government.** The approved plan filed with the secretary of state pursuant to subsection (3)(a) of section 14, Chapter 513, Laws of 1975, shall be the official plan and shall be a public record open to inspection of the public and judicially noticeable by all courts.

History: En. 16-5115.11 by Sec. 14, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.11(3)(b).

**Cross-References**

Right to examine documents, Art. II, sec. 9,  
Mont. Const.

**7-3-106. Effect of change in government.** (1) All ordinances in effect at the time the new form of government becomes effective shall continue in effect until repealed or amended in the manner provided by law.

(2) The adoption of a new form of government shall not affect the validity of any bond, debt, contract, obligation, or cause of action accrued or established under the prior form of government.

History: En. 16-5115.11 by Sec. 14, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.11(part).

**Cross-References**

Effect of adoption of new form of government, 7-3-152.

General transition provisions, 7-3-157.

**7-3-107 through 7-3-110 reserved.**

**7-3-111. Statutory basis for elected county official government.** (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(3);
- (d) 7-3-413(1);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(1);
- (p) 7-3-438(1);
- (q) 7-3-439(1);
- (r) 7-3-440(1);
- (s) 7-3-441(1);
- (t) 7-3-442(1) if the county has elected an auditor;

- (u) 7-3-442(6) if the county has not elected an auditor.  
(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

History: En. 16-5115.1 by Sec. 4, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.1(3).

**7-3-112. Statutory basis for county manager government.** (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the county manager form of government shall be governed by the following sections:

- (a) 7-3-301;
- (b) 7-3-303;
- (c) 7-3-304;
- (d) 7-3-305;
- (e) 7-3-312(2);
- (f) 7-3-313(1) or (2);
- (g) 7-3-314(2);
- (h) 7-3-315(1);
- (i) 7-3-316(2);
- (j) 7-3-317(2);
- (k) 7-3-318.

(2) Commissioners are elected to 6-year terms. The size of the commission shall be established by ordinance, but it may not exceed five members.

History: En. 16-5115.1 by Sec. 4, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.1(4).

**7-3-113. Statutory basis for municipal council-mayor government.** (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(1);
- (j) 7-3-218(2);
- (k) 7-3-219(1);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

History: En. 16-5115.1 by Sec. 4, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.1(1).

**7-3-114. Statutory basis for municipal commission-manager government.** (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the municipal commission-manager form of government shall be governed by the following

sections:

- (a) 7-3-301;
- (b) 7-3-302(1);
- (c) 7-3-303;
- (d) 7-3-304;
- (e) 7-3-305;
- (f) 7-3-312(3);
- (g) 7-3-313(1);
- (h) 7-3-314(2);
- (i) 7-3-315(2);
- (j) 7-3-316(2);
- (k) 7-3-317(2);
- (l) 7-3-318.

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed five members.

History: En. 16-5115.1 by Sec. 4, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.1(2).

## Part 2

### Commission-Executive Government

#### Part Cross-References

Statutory basis for "existing" municipal council-mayor government, 7-3-113.

Strong mayor municipal government, Title 7, ch. 3, part 41.  
Municipal commission-mayor government, Title 7, ch. 3, part 42.

**7-3-201. Commission-executive form.** The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(1).

**7-3-202. Nature of government.** The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:

- (1) general government powers; or
- (2) self-government powers.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(4).

#### Cross-References

General government powers, Art. XI, sec. 4.  
Mont. Const.; 7-1-2103 (counties), 7-1-4124  
(municipalities).

Self-government powers, Art. XI, sec. 6,  
Mont. Const.; Title 7, ch. 1, part 1.

**7-3-203. Duties of executive.** The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission;

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(11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(2).

**7-3-204 through 7-3-210 reserved.**

**7-3-211. Structural suboptions.** The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-212 through 7-3-224.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(part).

**7-3-212. Administrative assistants.** The executive:

(1) shall appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive; or

(2) may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)(a).

**7-3-213. Supervision of personnel.** The executive may:

(1) appoint and remove all employees of the local government;

(2) appoint and remove, with the consent of a majority of the commission, all employees of the local government;

(3) appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees; or

(4) appoint and remove, with the consent of a majority of the commission, all department heads and appoint and remove all other employees of the local government.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)(b).

**7-3-214. Veto power.** The executive may:

(1) veto ordinances and resolutions, subject to override by a majority plus one of the whole number of the commission;

(2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission; or

(3) sign all ordinances and resolutions with no veto power.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)(c).

**7-3-215. Preparation of budget.** The executive may:

(1) prepare the budget and present it to the commission for adoption; or

(2) prepare the budget in consultation with the commission and department heads.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)(d).

**7-3-216. Administrative supervision and control.** The executive may:

(1) exercise control and supervision of the administration of all departments and boards; or

(2) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)e.

**7-3-217. Financial officer.** A financial officer (who may be called the treasurer):

- (1) shall be elected;
- (2) shall be appointed by the executive with the consent of the council;
- (3) shall be selected as provided by ordinance; or
- (4) may, at the discretion of the commission, be selected as provided by ordinance.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)f.

**7-3-218. Selection of commission members.** The commission shall be:

- (1) elected at large;
- (2) elected by districts in which candidates must reside and which are apportioned by population;
- (3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside; or
- (4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)g.

**7-3-219. Type of election.** Local government elections shall be conducted on a:

- (1) partisan basis; or
- (2) nonpartisan basis.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)h; amd. Sec. 3, Ch. 79, L. 1983.

**Compiler's Comments**

1983 Amendment: In (1) and (2), after "basis" deleted "as provided in this title".

**7-3-220. Chairman of commission.** The commission shall have a chairman who shall be:

- (1) elected by the members of the commission from their own number for a term established by ordinance; or
- (2) selected as provided by ordinance.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)i.

**7-3-221. Presiding officer of commission.** The presiding officer of the commission shall be:

- (1) the chairman of the commission, who may vote as other members of the commission;
- (2) the executive, who may vote as the commissioners;
- (3) the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent); or
- (4) the executive, but he may not vote.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)j.

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**7-3-222. Terms of commission members.** Commission members shall be elected for:

- (1) concurrent terms of office; or
- (2) overlapping terms of office.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)(k).

**7-3-223. Size of commission and community councils.** The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and:

(1) community councils of at least three members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or

(2) community councils to advise commissioners may be authorized by ordinance.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)(l).

**7-3-224. Terms of elected officials.** The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

History: En. 47A-3-203 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 1, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-203(3)(m).

**Cross-References**

Transition of elected officials, 7-3-158.

### Part 3

#### Commission-Manager Government

**Part Cross-References**

Municipal commission-manager government,  
Title 7, ch. 3, parts 43 and 44.

**7-3-301. Commission-manager form.** The commission-manager form (which may be called the council-manager form) consists of an elected commission (which may be called the council) and a manager appointed by the commission, who shall be the chief administrative officer of the local government. The manager shall be responsible to the commission for the administration of all local government affairs placed in his charge by law, ordinance, or resolution.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(1).

**7-3-302. Nature of government.** The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:

- (1) general government powers; or
- (2) self-government powers.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(7).

**7-3-303. Appointment of manager.** The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(2).

**Cross-References**

General government powers, Art. XI, sec. 4.  
Mont. Const.; 7-1-2103 (counties), 7-1-4124  
(municipalities).

**Self-government powers, Art. XI, sec. 6.**  
Mont. Const.; Title 7, ch. 1, part 1.

- 7-3-304. Duties of manager.** The manager shall:
- (1) enforce laws, ordinances, and resolutions;
  - (2) perform the duties required of him by law, ordinance, or resolution;
  - (3) administer the affairs of the local government;
  - (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance;
  - (5) carry out policies established by the commission;
  - (6) prepare the commission agenda;
  - (7) recommend measures to the commission;
  - (8) report to the commission on the affairs and financial condition of the local government;
  - (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
  - (10) report to the commission as the commission may require;
  - (11) attend commission meetings and may take part in the discussion, but he may not vote;
  - (12) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
  - (13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance;
  - (14) appoint members of temporary advisory committees established by the manager.
- History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; and Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(part).

**7-3-305. Employees of commission-manager government.** (1) Employees appointed by the manager and his subordinates shall be administratively responsible to the manager.

(2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his subordinates are empowered to appoint.

(3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; and Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(part).

**7-3-306 through 7-3-310 reserved.**

**7-3-311. Structural suboptions.** The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-312 through 7-3-318.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; and Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(part).

**7-3-312. Appointment to boards.** All members of boards, other than temporary advisory committees established by the manager, shall be appointed by:

- (1) the chairman with the consent of the commission; or
- (2) the manager with the consent of the commission; or
- (3) the commission.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; and Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(6xx).

**7-3-313. Selection of commission members.** The commission shall be:

- (1) elected at large;
- (2) elected by districts in which candidates must reside and which are apportioned by population;
- (3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside; or
- (4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(6)(b).

**7-3-314. Type of election.** Local government elections shall be conducted on a:

- (1) partisan basis; or
- (2) nonpartisan basis.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(6)(c); amd. Sec. 4, Ch. 79, L. 1983.

**Compiler's Comments**

1983 Amendment: In (1) and (2), after "basis" deleted "as provided in this title".

**7-3-315. Chairman of commission.** The chairman of the commission shall be:

- (1) elected by the members of the commission from their own number for a term established by ordinance;
- (2) elected by the qualified electors for a term of office; or
- (3) selected as provided by ordinance.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(6)(d).

**7-3-316. Terms of commission members.** Commission members shall be elected for:

- (1) concurrent terms of office; or
- (2) overlapping terms of office.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(6)(e).

**7-3-317. Size of commission and community councils.** The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and:

(1) community councils of at least three members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or

(2) community councils to advise commissioners may be authorized by ordinance.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(6)(f).

**7-3-318. Terms of elected officials.** The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

History: En. 47A-3-204 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 2, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-204(6)(g).

**Cross-References**

Transition of elected officials, 7-3-158.

## Part 4

### Commission Government

#### Part Cross-References

Constitutional recognition of County Commission form of government, Art. XI, sec. 3(2), Mont. Const.

Statutory basis for "existing" elected county official government, 7-3-111.

**7-3-401. Commission form.** The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(1).

**7-3-402. Nature of government.** Local governments that adopt this form shall have general government powers.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(4).

#### Cross-References

General government powers, Art. XI, sec. 4, Mont. Const.; 7-1-2103 (counties), 7-1-4124 (municipalities).

**7-3-403. Role of chairman of commission.** The chairman of the commission, who may be referred to as the mayor, shall be the presiding officer of the commission. All members of boards and committees shall be appointed by the chairman with the consent of the commission. The chairman shall be recognized as the head of the local government unit and may vote as other members of the commission.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(part).

### 7-3-404 through 7-3-410 reserved.

**7-3-411. General structural suboptions.** The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-412 through 7-3-418.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(part).

**7-3-412. Selection of commission members.** The commission shall be:

- (1) elected at large;
- (2) elected by districts in which candidates must reside and which are apportioned by population;
- (3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside; or
- (4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(2)(a).

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**7-3-413. Type of election.** Local government elections shall be conducted on a:

- (1) partisan basis; or
- (2) nonpartisan basis.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(2)(b); amd. Sec. 5, Ch. 79, L. 1983.

**Compiler's Comments**

1983 Amendment: In (1) and (2), after "basis" deleted "as provided in this title".

**7-3-414. Chairman of commission.** The chairman of the commission shall be:

- (1) elected by the members of the commission from their own number for a term established by ordinance;
- (2) selected as provided by ordinance; or
- (3) elected directly by the voters for a term established by ordinance.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(part).

**7-3-415. Administrative assistants.** The commission:

- (1) shall appoint one or more administrative assistants to assist them in the supervision and operation of the local government; or
- (2) may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(2)(d).

**7-3-416. Terms of commission members.** Commission members shall be elected for:

- (1) concurrent terms of office; or
- (2) overlapping terms of office.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(2)(e).

**7-3-417. Size of commission and community councils.** The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and:

- (1) community councils of at least three members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or
- (2) community councils to advise commissioners may be authorized by ordinance.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(2)(f).

**7-3-418. Terms of elected officials.** The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(2)(g).

**7-3-419 through 7-3-430 reserved.**

**7-3-431. Additional structural suboptions for county and consolidated governments.** In county and consolidated local governments, the plan of government submitted to the qualified electors shall further

define the structural characteristics of the form by including one item from each of the choices listed in 7-3-432 through 7-3-442. The officers shall have the powers and duties established by ordinance. After the establishment of any office, the commission may consolidate, as provided by law, two or more of the offices.

History: En 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(part).

**7-3-432. Legal officer.** A legal officer (who may be called the county attorney):

- (1) shall be elected;
- (2) shall be appointed by the local government commission;
- (3) shall be appointed by the chairman of the local government commission;
- (4) shall be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) shall not be included in this form as a separate office.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(3)(a).

**7-3-433. Law enforcement officer.** A law enforcement officer (who may be called the sheriff):

- (1) shall be elected;
- (2) shall be appointed by the local government commission;
- (3) shall be appointed by the chairman of the local government commission;
- (4) shall be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) shall not be included in this form as a separate office.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(3)(b).

**7-3-434. Clerk and recorder.** A clerk and recorder:

- (1) shall be elected;
- (2) shall be appointed by the local government commission;
- (3) shall be appointed by the chairman of the local government commission;
- (4) shall be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) shall not be included in this form as a separate office.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(3)(c).

**7-3-435. Clerk of district court.** A clerk of district court:

- (1) shall be elected;
- (2) shall be appointed by the local government commission;
- (3) shall be appointed by the chairman of the local government commission;
- (4) shall be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) shall not be included in this form as a separate office.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(3)(d).

**7-3-436. Treasurer.** A treasurer:

- (1) shall be elected;

- (2) shall be appointed by the local government commission;  
(3) shall be appointed by the chairman of the local government commission;  
(4) shall be selected as provided by ordinance;  
(5) may at the discretion of the commission be selected as provided by ordinance; or  
(6) shall not be included in this form as a separate office.  
History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(3)(e).

**7-3-437. Surveyor.** A surveyor:

- (1) shall be elected;  
(2) shall be appointed by the local government commission;  
(3) shall be appointed by the chairman of the local government commission;  
(4) shall be selected as provided by ordinance;  
(5) may at the discretion of the commission be selected as provided by ordinance; or  
(6) shall not be included in this form as a separate office.  
History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(3)(f).

**7-3-438. Superintendent of schools.** A superintendent of schools:

- (1) shall be elected;  
(2) shall be appointed by the local government commission;  
(3) shall be appointed by the chairman of the local government commission;  
(4) shall be selected as provided by ordinance;  
(5) may at the discretion of the commission be selected as provided by ordinance; or  
(6) shall not be included in this form as a separate office.  
History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(3)(g).

**7-3-439. Assessor.** An assessor:

- (1) shall be elected;  
(2) shall be appointed by the local government commission;  
(3) shall be appointed by the chairman of the local government commission;  
(4) shall be selected as provided by ordinance;  
(5) may at the discretion of the commission be selected as provided by ordinance; or  
(6) shall not be included in this form as a separate office.  
History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(3)(h).

**7-3-440. Coroner.** A coroner:

- (1) shall be elected;  
(2) shall be appointed by the local government commission;  
(3) shall be appointed by the chairman of the local government commission;  
(4) shall be selected as provided by ordinance;  
(5) may at the discretion of the commission be selected as provided by ordinance; or  
(6) shall not be included in this form as a separate office.  
History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(3)(i).

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- 7-3-441. Public administrator.** A public administrator:
- (1) shall be elected;
  - (2) shall be appointed by the local government commission;
  - (3) shall be appointed by the chairman of the local government commission;
  - (4) shall be selected as provided by ordinance;
  - (5) may at the discretion of the commission be selected as provided by ordinance; or
  - (6) shall not be included in this form as a separate office.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(3)(j).

- 7-3-442. Auditor.** An auditor:

- (1) shall be elected;
- (2) shall be appointed by the local government commission;
- (3) shall be appointed by the chairman of the local government commission;
- (4) shall be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) shall not be included in this form as a separate office.

History: En. 47A-3-205 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 3, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-205(3)(k).

## Part 5

### Commission-Chairman Government

**7-3-501. Commission-chairman form.** The commission-chairman form consists of an elected commission (which may also be referred to as the council) and a commission chairman (who may also be referred to as mayor or as president) elected by the members of the commission from their own number and serving at the pleasure of the commission.

History: En. 47A-3-206 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 4, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-206(part).

**7-3-502. Nature of government.** The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:

- (1) general government powers; or
- (2) self-government powers.

History: En. 47A-3-206 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 4, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-206(4).

#### Cross-References

General government powers, Art. XI, sec. 4. Mont. Const.; 7-1-2103 (counties), 7-1-4124 (municipalities). Self-government powers, Art. XI, sec. 6. Mont. Const.; Title 7, ch. 1, part 1.

**7-3-503. Role and duties of chairman.** The commission chairman shall:

- (1) be the presiding officer of the commission, be recognized as the head of the local government unit, have the power to vote as other members of the commission, be the chief executive officer of the local government; and
- (2) enforce laws, ordinances, and resolutions;
- (3) perform duties required of him by law, ordinance, or resolution;
- (4) administer the affairs of the local government;
- (5) direct, supervise, and administer all departments, agencies, and offices of the local government except as otherwise provided by law or ordinance;
- (6) carry out policies established by the commission;
- (7) prepare the commission agenda;

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- (8) recommend measures to the commission;
  - (9) report to the commission on the affairs and financial condition of the local government;
  - (10) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
  - (11) report to the commission as the commission may require;
  - (12) attend commission meetings and may take part in discussions;
  - (13) execute the budget adopted by the commission;
  - (14) appoint, with the consent of the commission, all members of boards and committees; except the chairman may appoint without the consent of the commission temporary advisory committees established by the chairman;
  - (15) appoint, with the consent of a majority of the commission, all department heads, and the chairman may remove department heads and may appoint and remove all other employees;
  - (16) prepare the budget and present it to the commission for adoption;
  - (17) exercise control and supervision over the administration of departments and boards.

History: En. 47A-3-206 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 4, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-206(part).

#### **7-3-504 through 7-3-510 reserved.**

**7-3-511. Structural suboptions.** The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-512 through 7-3-517.

History: En. 47A-3-206 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 4, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-206(part).

**7-3-512. Selection of commission members.** The commission shall be:

- (1) elected at large;
- (2) elected by districts in which candidates must reside and which are apportioned by population;
- (3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside; or
- (4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.

History: En. 47A-3-206 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 4, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-206(3)(a).

**7-3-513. Type of election.** Local government elections shall be conducted on a:

- (1) partisan basis; or
- (2) nonpartisan basis.

History: En. 47A-3-206 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 4, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-206(3)(b); amd. Sec. 6, Ch. 79, L. 1983.

**Compiler's Comments**

1983 Amendment: In (1) and (2), after "basis" deleted "as provided in this title".

**7-3-514. Administrative assistants.** The commission chairman:

(1) shall appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the chairman; or

(2) may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the chairman.

History: En. 47A-3-206 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 4, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-206(3)(c).

**7-3-515. Terms of commission members.** Commission members shall be elected for:

- (1) concurrent terms of office; or
- (2) overlapping terms of office.

History: En. 47A-3-206 by Sec. 1, Ch. 344, L. 1975; and Sec. 4, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-206(3)(d).

**7-3-516. Size of commission and community councils.** The size of the commission, which shall be a number not less than five, shall be established when the form is adopted by the voters, and:

(1) community councils of at least three members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or

(2) community councils to advise commissioners may be authorized by ordinance.

History: En. 47A-3-206 by Sec. 1, Ch. 344, L. 1975; and Sec. 4, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-206(3)(e).

**7-3-517. Terms of elected officials.** The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

History: En. 47A-3-206 by Sec. 1, Ch. 344, L. 1975; and Sec. 4, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-206(3)(f).

**Cross-References**

Transition of elected officials, 7-3-158.

## Part 6 Town Meeting Government

**7-3-601. Town meeting form.** (1) The town meeting form consists of an assembly of the qualified electors of a town (known as a town meeting), an elected town chairman, who shall be a qualified elector, and an optional elected town meeting moderator.

(2) The town meeting form may be adopted only by incorporated cities or towns of less than 2,000 persons, as determined by the most recent decennial census as conducted by the United States bureau of the census unless a more recent enumeration of inhabitants be made by the state, in which case such enumeration shall be used for the purposes of this part. Any unit of local government which adopts this form may retain it even though its population increases to more than 2,000.

(3) All legislative powers of the town shall vest in the town meeting. The town meeting may enact rules, resolutions, and ordinances.

History: En. 47A-3-207 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-207(1), (2).

**Cross-References**

Qualified electors, Art. IV, sec. 2, Mont.  
Const.; 13-1-111.

Legislative powers, 7-1-4123.

**7-3-602. Nature of government.** The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:

- (1) general government powers; or
- (2) self-government powers.

History: En. 47A-3-207 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-207(1).

**Cross-References**

General government powers, Art. XI, sec. 4, Mont. Const.; Title 7, ch. 1, part 1.  
Mont. Const.; 7-1-4124.

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**7-3-603. Holding of town meeting.** (1) Towns adopting this form shall convene an annual town meeting on the first Tuesday of March. Special town meetings may be called by the town chairman or upon petition of 10% of the qualified electors of the town, but in no case by less than 10 qualified electors.

(2) All qualified electors of the town may attend the town meeting, take part in the discussion, and vote on all matters coming before the town meeting. Others may attend but shall not vote or take part in the discussion except by a majority vote of the town meeting.

(3) A quorum shall consist of at least 10% of the qualified electors of the town, but a higher quorum requirement may be established by a majority vote of the town meeting.

(4) The election of town officials shall be nonpartisan and shall be by a plurality of those qualified electors present and voting. All other voting in the town meeting shall be by a simple majority of those qualified electors present and voting.

(5) Election of officials shall be by secret ballot. Other voting shall be by secret ballot upon the request of at least five members of the town meeting.

History: En. 47A-3-207 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-207(3).

**7-3-604. Meeting agenda.** An agenda of the town meeting and a list of all elective and appointive offices to be filled shall be prepared by the town chairman, who shall post notice at least 2 weeks prior to the convening of all annual and special town meetings. Upon written petition of at least 10% of the qualified electors of the town but not less than 10 qualified electors, the town chairman shall insert a particular item or items in the agenda for the next annual or special town meeting. The town meeting agenda may include an item entitled "other business" under which any matter may be considered by the town meeting, except no matter dealing with finance or taxation shall be considered under "other business".

History: En. 47A-3-207 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-207(4).

Cross-References  
Notice, 7-1-4128.

Posting notice, 7-1-4135.

**7-3-605. Agenda and conduct of initial town meeting.** The first agenda of the first town meeting following the adoption of this form shall be established by the local study commission. At that town meeting the chairman of the local study commission shall preside over the election of the presiding officer of the town, after which the presiding officer of the town shall preside.

History: En. 47A-3-207 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-207(10).

**7-3-606. Selection, role, and duties of town chairman.** (1) The town meeting shall elect a town chairman for a term of not less than 1 year or more than 2 years. An unexpired term of a town chairman shall be filled at the next annual or special town meeting.

(2) The town chairman shall be the chief executive officer of the town, and he shall:

- (a) enforce laws, ordinances, and resolutions;
- (b) perform duties required of him by law, ordinance, or resolution;
- (c) administer the affairs of the town;
- (d) prepare the town meeting agenda;
- (e) attend all annual and special town meetings;
- (f) recommend measures to the town meeting;
- (g) report to the town on the affairs and financial condition of the town;
- (h) execute bonds, notes, contracts, and written obligations of the town, subject to the approval of the town;

- (i) appoint, with the consent of the town meeting, members of all boards and appoint and remove all employees of the town;
  - (j) prepare the budget and present it to the town meeting for adoption;
  - (k) exercise control and supervision of the administration of all departments and boards;
  - (l) carry out policies established by the town meeting.
- (3) Compensation of the town chairman shall be established by ordinance but shall not be reduced during the current term of the town chairman.

History: En. 47A-3-207 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-207(5) thru (7).

**7-3-607. Committees.** Permanent committees to advise the town chairman and/or the town meeting may be established and dissolved by ordinance. The town chairman may establish temporary committees to advise him.

History: En. 47A-3-207 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-207(8).

**7-3-608 through 7-3-610 reserved.**

**7-3-611. Structural suboptions.** The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-612 and 7-3-613.

History: En. 47A-3-207 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-207(part).

**7-3-612. Town meeting moderator.** The town meeting shall:

- (1) elect a town meeting moderator for a term of 1 year, who shall be the presiding officer of all annual and special town meetings but who shall have no other governmental powers; or
- (2) designate the town chairman as presiding officer of all annual and special town meetings.

History: En. 47A-3-207 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-207(9)(a).

**7-3-613. Administrative assistant.** (1) The town chairman:

- (a) shall appoint an administrative assistant to assist him in the supervision and operation of the affairs of the town; or
  - (b) may appoint an administrative assistant to assist him in the supervision and operation of the affairs of the town.
- (2) The administrative assistant shall be answerable solely to the town chairman, and the town chairman may delegate powers to the administrative assistant at his discretion.

History: En. 47A-3-207 by Sec. 1, Ch. 344, L. 1975; R.C.M. 1947, 47A-3-207(9)(b).

**Part 7**  
**Charter Government**

**7-3-701. Charter form.** (1) The purpose of this part is to comply with Article XI, section 5(1), of the Montana constitution, which provides: "The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body."

(2) Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

History: En. 47A-3-208 by Sec. 1, Ch. 344, L. 1975; and Sec. 5, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-208(1), (2).

**7-3-702. Nature of government.** A charter form of government shall possess self-government powers.

History: En. 47A-3-208 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 5, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-208(3).

**Cross-References**

Self-government powers, Art. XI, sec. 6,  
Mont. Const.; Title 7, ch. 1, part 1.

**7-3-703. Charter required.** (1) Charter form of government shall be established by a charter which is a written document defining the powers, structures, privileges, rights, and duties of the unit of local government and limitations thereon.

(2) The enumeration of powers in a charter shall not be construed as a limitation or prohibition on the residual or self-governing powers granted by the constitution.

History: En. 47A-3-208 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 5, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-208(4), (13).

**Cross-References**

Constitutional grant of powers, Art. XI, sec.  
6, Mont. Const.

**7-3-704. Legislative body.** (1) The charter shall provide for an elected legislative body (called a commission or council) or shall provide for a legislative body comprised of all qualified electors. For elected legislative bodies, the charter shall specify the number of members thereof, their term of office, election on a partisan or nonpartisan basis, the grounds for their removal, and the method for filling vacancies.

(2) The charter shall provide for the nomination and election of commissioners:

- (a) at large;
- (b) by districts in which candidates must reside and which are apportioned by population;
- (c) by a combination of districts, in which candidates must reside and which are apportioned by population, and at large; or
- (d) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

History: En. 47A-3-208 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 5, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-208(5), (6).

**Cross-References**

Legislative powers — general powers government, 7-1-4123.

Nonpartisan elections, Title 13, ch. 14.

**7-3-705. Officials and personnel.** (1) The charter shall specify which official of the local government will be the chief administrative and executive officer, the method of his selection, his term of office (except that it may be at the pleasure of the selecting authority if such officer is not elected by popular vote), the grounds for his removal, and his powers and duties. Notwithstanding the foregoing, the charter may allocate the chief executive and the chief administrative functions among two or more officials specified as above or the charter may provide that chief executive and administrative functions of the local government will be performed by one or more members of the legislative body.

(2) A charter form of government shall have such officers, departments, boards, commissions, and agencies as are established in the charter, by local ordinance, or required by state law.

History: En. 47A-3-208 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 5, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-208(7), (9).

**Cross-References**

Functions required by state law, 7-1-114.

**7-3-706. Effective date.** The charter shall specify the date on which the charter will take effect, except that provisions may be made for temporary partial effectiveness consistent with an orderly transition of government.

History: En. 47A-3-208 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 5, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-208(16).

**Cross-References**

Transition provisions, 7-3-158.

**7-3-707. Other charter provisions.** (1) The charter may establish other legislative, administrative, and organizational structures.

(2) The charter may contain prohibitions on the exercise of power by a unit of local government.

(3) The charter may include such provisions as may be necessary to permit an orderly transition to the new form of government.

(4) The listing of charter provisions in this part shall not be construed to prevent the inclusion of additional provisions in charters.

History: En. 47A-3-208 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 5, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-208(8), (14), (15), (17).

**7-3-708. Limitations on charter provisions.** (1) Charter provisions may not conflict with the provisions of part I, chapter 1, which establish statutory limitations on the powers of self-government units.

(2) Charter forms are subject to state laws establishing election, initiative, and referendum procedures; and charters shall not contain provisions establishing election, initiative, and referendum procedures.

(3) The charter shall not contain provisions establishing or modifying local court systems.

History: En. 47A-3-208 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 5, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-208(10) thru (12).

**Cross-References**

Local court systems, Title 3, ch. 6 (Municipal Courts); Title 3, ch. 10 (Justices' Courts); Title 3, ch. 11 (City Courts).	Initiative and referendum, Title 7, ch. 5, part 1.
	Election provisions, Title 13.

**7-3-709. Amendment of charter.** A charter may be amended only as provided by state law.

History: En. 47A-3-208 by Sec. 1, Ch. 344, L. 1975; amd. Sec. 5, Ch. 351, L. 1977; R.C.M. 1947, 47A-3-208(18).

**Cross-References**

Amendment of charter, 7-3-103.

## Part 11

### City-County Consolidation — Option 1

**Part Cross-References**

Disincorporation of municipalities, Title 7, ch. 2, part 49.

Special requirements for proposal of consolidation, 7-3-143.

**7-3-1101. City-county consolidation authorized.** (1) A county and a city or town within the county may unite to form a single unit of local government under the provisions of this part.

(2) An alternative form of government, including a charter form, for a consolidated unit of government may be submitted to the voters only by those study commissions that have cooperated in the formulation of the plan. A majority vote by each of the affected study commissions is required for the submission of an alternative form of government for a consolidated unit of local government. The affected study commissions submitting a consolidated form shall issue a single joint report and proposal.

(3) An alternative form of government for a consolidated unit of local government does not need to include more than one municipality. A municipality may not be included unless the local government study commission of

that municipality participates in the cooperative study and unless its study commission by a majority vote approves the proposed alternative plan for the consolidated government.

(4) This part shall not apply to excluded municipalities, school districts, conservancy districts, drainage districts, irrigation districts, soil and water conservation districts, or livestock districts.

History: Ea. 16-5115.3 by Sec. 6, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.3(part); amend. Sec. 2, Ch. 262, L. 1979.

**Cross-References**

Town meeting form not applicable to counties, 7-3-601.  
Vote requirements for consolidation, 7-3-149.

**7-3-1102. Plan of consolidation.** (1) Study commissions proposing consolidation shall prepare, adopt, and submit to the voters a consolidation plan in addition to the alternative form of government. If the commission proposes a charter, the plan may be included in the charter.

(2) The consolidation plan shall:

(a) provide for adjustment of existing bonded indebtedness and other obligations in a manner which will provide for a fair and equitable burden of taxation for debt service;

(b) provide for establishment of service areas;

(c) provide for the transfer or other disposition of property and other rights, claims, assets, and franchises of local governments consolidated under the alternative form;

(d) provide the official name of the consolidated unit of local government;

(e) provide for the transfer, reorganization, abolition, absorption, adjustment of boundaries (and may provide a method for adjusting the boundaries) of all existing boards, bureaus, commissions, agencies, special districts, and political subdivisions of the consolidated governments;

(f) include other provisions which the study commission elects to include and which are consistent with state law.

(3) The plan may grant the legislative body of the consolidated government the authority to transfer, reorganize, adjust boundaries, abolish, or absorb, and provide a method for adjusting the boundaries of such entities with or without referendum requirements.

History: Ea. 16-5115.3 by Sec. 6, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.3(part).

**7-3-1103. Effect of consolidation.** (1) As a political subdivision of the state, such consolidated unit of local government shall have the status of a county and an incorporated municipality for all purposes and shall replace and be the successor of the county and any city or town.

(2) On its effective date, the alternative form of government and consolidation plan operate to dissolve all local governments within the area of consolidation in accordance with their provisions. On the effective date, the separate corporate existence of the county and of each participating city and/or town shall be consolidated and merged into one local government unit under the name selected, designated, and adopted as provided in this chapter. The consolidated local government shall thereupon succeed to, possess, and own all of the property and assets of every kind and description and shall, except as otherwise provided, become responsible for all of the obligations and liabilities of the county, cities, and towns so consolidated and merged.

(3) All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to counties and cities shall remain in full force with respect to a consolidated local government.

History: Ea. 16-5115.3 by Sec. 6, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.3(3), (8).

**7-3-1104. General powers of consolidated local governments.** A consolidated local government shall have and may exercise all powers that are conferred on counties, cities, or towns by the constitution and laws of the

state. The consolidated local government may levy all taxes which counties, cities, and towns are authorized to levy.

History: Ex. 16-5115.3 by Sec. 6, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.3(6).

**7-3-1105. Rules, ordinances, and resolutions of consolidated unit.** Within 2 years after ratification of the consolidation, the governing body of the consolidated unit of local government shall revise, repeal, or reaffirm all rules, ordinances, and resolutions in force within the participating county, cities, and towns at the time of consolidation. Each rule, ordinance, or resolution in force at the time of consolidation shall remain in force within the former geographic jurisdiction until superseded by action of the new governing body. Ordinances and resolutions relating to public improvements to be paid for in whole or in part by special assessments may not be repealed.

History: Ex. 16-5115.3 by Sec. 6, Ch. 513, L. 1975; R.C.M. 1947, 16-5115.3(7).

#### "Traditional" Forms

Title 7, chapter 3, parts 12 through 44 contain detailed provisions relating to the structure, powers, and procedures of "traditional" local government types. Due to their length and because they contain a lot of procedural provisions, these statutes are not set forth. Each of these forms have a structure that can be defined in terms of the alternative forms laws at Title 7, Ch. 3, parts 2 through 7 and 11. These forms, where they are codified, and the year they were first enacted into law are:

City-County Consolidation--Option 2, Title 7, Ch. 3, parts 12 and 13 (1923).

Strong Mayor Municipal Government, Title 7, Ch. 3, part 41 (1973).

Municipal Commission Government, Title 7, Ch. 3, part 42 (1911).

Municipal Commission-Manager Government, Title 7, Ch. 3, parts 43 and 44 (1917).

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## CHAPTER 2

### CREATION, ALTERATION, AND ABANDONMENT OF LOCAL GOVERNMENTS

#### Part 49

##### Disincorporation of Municipalities

**7-2-4901. Automatic disincorporation.** (1) If the governing body of any city or town incorporated under the laws of Montana ceases to exist or fails to function for a period of 2 years, the city or town shall be disincorporated in the manner set forth in this part.

(2) (a) In cases where a city or town has been disincorporated by virtue of the provisions of subsection (1), the county commissioners shall file in their office an order that the disincorporation be granted. This order takes effect within 60 days following the date of the order.

(b) A certified copy of the order shall be sent to the state officials named in 7-2-4906.

History: (1)En. Sec. 1, Ch. 99, L. 1973; Sec. 11-308, R.C.M. 1947; (2)En. Sec. 7, Ch. 99, L. 1973; Sec. 11-314, R.C.M. 1947; R.C.M. 1947, 11-308, 11-314.

**7-2-4902. Disincorporation by election.** (1) Any city or town may be disincorporated in the manner hereinafter provided.

(2) If the registered electors of a city or town equal in number to 20% of the number of electors voting at the last regular municipal election petition the board of county commissioners of the county where the city or town is situated to disincorporate the city or town, or if the city governing body by a two-thirds vote of all its members resolves to disincorporate, then the board shall order, within 60 days, that a special election be held within the city or town on the question of disincorporating the city or town. The day for holding the election shall be not less than 60 days or more than 120 days after the board orders the election.

History: En. Sec. 2, Ch. 99, L. 1973; R.C.M. 1947, 11-309(1), (2); amd. Sec. 296, Ch. 571, L. 1979; amd. Sec. 1, Ch. 504, L. 1981.

**Compiler's Comments**

1981 Amendment: Inserted "or if the city governing body by a two-thirds vote of all its

members resolves to disincorporate, then" near the middle of (2).

**7-2-4903. Notice of election on question of disincorporation.** Notice of the election provided for in 7-2-4902 shall be published as provided in 13-1-108.

History: En. Sec. 2, Ch. 99, L. 1973; R.C.M. 1947, 11-309(3); amd. Sec. 297, Ch. 571, L. 1979.

**7-2-4904. Details of election on disincorporation.** (1) The election shall be conducted in the same manner as a regular city or town election. The election returns shall be made and canvassed in the same manner as are general election returns.

(2) The form of the ballot shall be:

FOR the disincorporation of .... (insert name of city or town)

AGAINST the disincorporation of .... (insert name of city or town).

History: (1)En. Sec. 4, Ch. 99, L. 1973; Sec. 11-311, R.C.M. 1947; (2)En. Sec. 3, Ch. 99, L. 1973; Sec. 11-310, R.C.M. 1947; R.C.M. 1947, 11-310, 11-311; amd. Sec. 298, Ch. 571, L. 1979.

**Cross-References**

Elections — returns and canvassing, Title 13, ch. 12 through 16.

**7-2-4905. Effect of insufficient vote to disincorporate.** If it is found by the canvass of the votes that less than 60% of the votes cast were in favor of disincorporation, the county commissioners shall declare the peti-

tion for disincorporation denied, in which case no other election may be held on the question of disincorporating said city or town until after the expiration of 2 years from the date of the election.

History: En. Sec. 5, Ch. 99, L. 1973; R.C.M. 1947, 11-312.

**7-2-4906. Effect of sufficient vote to disincorporate.** (1) In case the canvass reveals that 60% or more of all the votes cast were in favor of disincorporation, the county commissioners shall, under their hands, make and file in their office and cause to be entered upon their proceedings an order that the petition for disincorporation be granted and declaring that the city or town is disincorporated. The order takes effect within 60 days following the date of the order.

(2) A certified copy of the order shall be sent to the secretary of state and the head of the department of commerce.

History: En. Sec. 6, Ch. 99, L. 1973; amd. Sec. 9, Ch. 213, L. 1975; R.C.M. 1947, 11-313; ~~amd.~~ Sec. 7, Ch. 274, L. 1981; ~~and~~ Sec. 1, Ch. 287, L. 1983.

Compiler's Comments

1983 Amendment: Substituted reference to department of commerce for reference to department of administration.

1981 Amendment: Substituted "department of administration" for "department of community affairs" in (2).

#### 7-2-4907 through 7-2-4910 reserved.

**7-2-4911. Certification of financial condition.** (1) Upon receiving a certified copy of the order of disincorporation, the director of the department of commerce shall certify a current statement of the financial condition of the disincorporating city or town to the board of county commissioners.

(2) The statement shall include but not be limited to:

(a) a determination of all assets of the city or town, including any current or delinquent utility accounts and/or taxes receivable; and

(b) a statement of all city or town indebtedness, including any revenue or general obligation bonds, special improvement district obligations outstanding, contracts payable, all other obligations of the city, and a schedule for the repayment of indebtedness.

History: En. Sec. 8, Ch. 99, L. 1973; ~~amd.~~ Sec. 10, Ch. 213, L. 1975; R.C.M. 1947, 11-315(part); ~~amd.~~ Sec. 7, Ch. 274, L. 1981; ~~and~~ Sec. 1, Ch. 287, L. 1983.

Compiler's Comments

1983 Amendment: Substituted reference to director of department of commerce for reference to director of department of administration.

1981 Amendment: Substituted "department of administration" for "department of community affairs" in (1).

**7-2-4912. Management of unencumbered cash.** (1) Under the supervision of the director of the department of commerce or his agent, the city treasurer or town clerk shall draw a treasurer's check for the amount of unencumbered cash in the city or town treasury. The check shall be made payable to and delivered to the county treasurer of the county in which the disincorporating city or town is situated.

(2) The county treasurer shall immediately place said money in a special fund, to be drawn upon as provided in this part.

History: En. Sec. 8, Ch. 99, L. 1973; ~~amd.~~ Sec. 10, Ch. 213, L. 1975; R.C.M. 1947, 11-315(part); ~~amd.~~ Sec. 7, Ch. 274, L. 1981; ~~and~~ Sec. 1, Ch. 287, L. 1983.

Compiler's Comments

1983 Amendment: Substituted reference to director of department of commerce for reference to director of department of administration.

1981 Amendment: Substituted "department of administration" for "department of community affairs" in (1).

**7-2-4913. Release of public property to county commissioners.** Except as provided in 7-2-4914, upon the disincorporation of a city or town, every public officer of the city shall immediately turn over all public property of every nature and description in his possession to the board of county commissioners of the county in which the city or town is situated.

History: En. Sec. 9, Ch. 99, L. 1973; R.C.M. 1947, 11-316(part).

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**7-2-4914. Disposition of city court records.** Notwithstanding the provisions of 7-2-4913, all court records of the city court, if any, shall be transferred to the nearest justice of the peace. The justice of the peace has the authority to execute and complete all unfinished business. All reports and remittances of fines and forfeitures are made in the same manner as that prescribed for justices of the peace.

History: En. Sec. 9, Ch. 99, L. 1973; R.C.M. 1947, 11-316(part).

**7-2-4915. Effect of disincorporation on prior legal rights.** The disincorporation of a city or town does not invalidate or affect any right, penalty, or forfeiture accruing to the city or town or invalidate or affect any contract entered into or imposed upon the corporation, but all the contracted indebtedness and obligations remain unimpaired by reason of the disincorporation of the city or town.

History: En. Sec. 10, Ch. 99, L. 1973; R.C.M. 1947, 11-317(part).

**7-2-4916. Payment of debts and collection of receivables of disincorporated municipality.** (1) The board of county commissioners of the county succeeding the disincorporated city or town shall provide for:

(a) the payment and discharge in good faith of all the indebtedness and obligations according to the tenor of the contract or indenture agreement by which they were contracted or the indebtedness incurred; and

(b) the collection of any indebtedness due the city or town.

(2) All instruments for the repayment of indebtedness are drawn by order of the board on the fund provided in 7-2-4912.

History: En. Sec. 10, Ch. 99, L. 1973; R.C.M. 1947, 11-317(part).

**7-2-4917. Procedure to collect receivables.** (1) The board of county commissioners shall make provisions for the collection of the amounts due a corporation and for the closing up of its affairs, and any act or acts necessary for that purpose and not otherwise provided shall, upon order of the board, be performed by the officer or officers performing similar duties for the county as if it had been performed by the proper officer of the city or town before disincorporation.

(2) The county shall succeed to and possess all rights of the corporation to indebtedness and has power to sue for or otherwise collect any debts in the name of the county.

History: En. Sec. 13, Ch. 99, L. 1973; R.C.M. 1947, 11-320.

**7-2-4918. Tax levy in the event of insolvency.** (1) If, at any time after the disincorporation of a city or town, it is found that there is not sufficient money in the treasury to the credit of the special fund of 7-2-4912 with which to pay any indebtedness of the corporation, the board of county commissioners has the power and it is its duty to levy and collect from the territory formerly included within the city or town a tax or taxes sufficient in amount to pay the indebtedness of the corporation as the same shall become due.

(2) The tax or taxes, assessments, and collections shall be made in the same manner and at the same time that other taxes of the county are levied and collected and are an additional tax upon the property included within said territory or portions thereof for the payment of said debts.

(3) All money paid into the county treasury under the provisions of this part shall be placed to the credit of the special fund.

History: En. Sec. 11, Ch. 99, L. 1973; R.C.M. 1947, 11-318.

**7-2-4919. Management of surplus assets deposited to special fund.** If, after payment of the debts of the corporation and the liquidation, where possible, of tangible assets, any surplus shall remain in the hands of the county treasurer to the credit of the special fund, money remaining shall

be transferred to the county general fund. Nothing in this section is intended to conflict with the provisions of 7-2-4915 and 7-2-4916.

History: Ea. Sec. 12, Ch. 99, L. 1973; R.C.M. 1947, 11-319.

**7-2-4920. Payment of costs and expenses from special county fund.** All costs and expenses of ascertaining information and all other costs and expenses incurred by the board of county commissioners in the execution of the powers and duties of managing the affairs of the disincorporated city or town provided for in this part shall be paid out of the special fund in the county treasury.

History: Ea. Sec. 14, Ch. 99, L. 1973; R.C.M. 1947, 11-321.

#### Part 27 — Abandonment and Consolidation of Counties

Due to their length, these statutes are not set forth. They were enacted in 1937. There are no provisions for the transfer of territory from one county to another.

- 7-2-2701. Abandonment and consolidation of counties.
- 7-2-2702. Petition for abandonment of county.
- 7-2-2703. Processing of petition — certification to county commissioners.
- 7-2-2704. Hearing on petition by county commissioners — notice.
- 7-2-2705. Petition to amend proposed consolidation.
- 7-2-2706. Processing of petition to amend proposed consolidation — certification to county commissioners.
- 7-2-2707. Action on petitions — resolution.
- 7-2-2708. Form of resolution.
- 7-2-2709. Special election on question of abandonment and consolidation.
- 7-2-2710. Procedure to hold election.
- 7-2-2711. Form of ballot.
- 7-2-2712. Canvass of returns — proclamation of results.
- 7-2-2713. Effect of election results.
- 7-2-2714 through 7-2-2720 reserved.
- 7-2-2721. Disposition of townships.
- 7-2-2722. Disposition of property.
- 7-2-2723. Vesting of property and legal rights.
- 7-2-2724. Disposition of records and other papers.
- 7-2-2725. Status of continuing contracts.
- 7-2-2726. Status of printing contracts.
- 7-2-2727. Effect of abandonment on school and special districts.
- 7-2-2728. Effect of abandonment on county high schools.
- 7-2-2729. Tax liability of property within abandoned county for debts of continuing county.
- 7-2-2730. Establishment of special warrant district or special funding bond district in continuing county.
- 7-2-2731 through 7-2-2740 reserved.
- 7-2-2741. Processing of claims against abandoned county.
- 7-2-2742. Transfer and use of funds of abandoned county.
- 7-2-2743. Collection of taxes and other money.
- 7-2-2744. Transfer of money when claims against fund satisfied.
- 7-2-2745. Procedure if insufficient funds — special warrant district or special funding bond district.
- 7-2-2746. Details relating to special warrant district.
- 7-2-2747. Details relating to special funding bond district.
- 7-2-2748. Special funding bond district bonds.
- 7-2-2749. Payment of outstanding bonds of abandoned county.
- 7-2-2750. Procedure to collect and transmit taxes when several counties involved.
- 7-2-2751. Disposition of money of abandoned district.
- 7-2-2752. Liability for and payment of indebtedness of abandoned county.
- 7-2-2753. Assessment of property in abandoned county.
- 7-2-2754. Ownership and management of property acquired by continuing county.
- 7-2-2755. Lease of acquired real property.
- 7-2-2756. Sale of acquired real property.
- 7-2-2757. Sale of acquired personal property.
- 7-2-2758. Compensation for appraisers.
- 7-2-2759. Distribution of money derived from acquired property.

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## CHAPTER 11

### GENERAL PROVISIONS RELATED TO SERVICES

#### Part 1

##### Interlocal Agreements

**7-11-101. Short title.** This part shall be known and cited as the "Interlocal Cooperation Act".

History: En. Sec. 2, Ch. 82, L. 1967; R.C.M. 1947, 16-4902.

**7-11-102. Purpose.** It is the purpose of this part to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other local governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

History: En. Sec. 1, Ch. 82, L. 1967; R.C.M. 1947, 16-4901.

**7-11-103. Definition.** For the purposes of this part, the term "public agency" shall mean any political subdivision, including municipalities, counties, school districts, and any agency or department of the state of Montana.

History: En. Sec. 3, Ch. 82, L. 1967; R.C.M. 1947, 16-4903.

**7-11-104. Authorization to create interlocal agreements.** Any one or more public agencies may contract with any one or more other public agencies to perform any administrative service, activity, or undertaking which any of said public agencies entering into the contract is authorized by law to perform. Such contract shall be authorized and approved by the governing body of each party to said contract. Such contract shall set forth fully the purposes, powers, rights, obligations, and responsibilities of the contracting parties.

History: En. Sec. 4, Ch. 82, L. 1967; R.C.M. 1947, 16-4904(part).

**7-11-105. Detailed contents of interlocal agreements.** The contract authorized by 7-11-104 shall specify the following:

- (1) its duration;
- (2) the precise organization, composition, and nature of any separate legal entity created thereby;
- (3) the purpose or purposes of said interlocal contract;
- (4) the manner of financing the joint or cooperative undertaking and establishing and maintaining a budget therefor;
- (5) the permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;
- (6) provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking, including representation of the contracting parties on said joint board;
- (7) the manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking;
- (8) any other necessary and proper matters.

History: En. Sec. 4, Ch. 82, L. 1967; R.C.M. 1947, 16-4904(1) thru (8).

**7-11-106. Submission of agreement to attorney general.** (1) Every agreement made hereunder shall, prior to and as a condition precedent to its performance, be submitted to the attorney general, who shall determine whether the agreement is in proper form and compatible with the laws of Montana.

(2) The attorney general shall approve any agreement submitted to him hereunder unless he shall find it does not meet the conditions set forth herein and shall detail, in writing addressed to the governing bodies of the public agencies concerned, the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within 30 days of its submission shall constitute approval thereof.

History: En. Sec. 4, Ch. 82, L. 1967; R.C.M. 1947, 16-4904(9).

**7-11-107. Filing of interlocal agreement.** Within 10 days after the approval by the attorney general and prior to commencement of its performance, said interlocal contract made pursuant to this part shall be filed with:

(1) the county clerk and recorder of the county or counties where said political agencies are situated; and

(2) the secretary of state.

History: En. Sec. 4, Ch. 82, L. 1967; R.C.M. 1947, 16-4904(10).

**7-11-108. Authorization to appropriate funds for purpose of interlocal agreement.** Any public agency entering into an interlocal contract pursuant to this part may appropriate funds for and may sell, lease, or otherwise give or supply to the administrative board created for the purpose of performance of said contract and may provide such personnel or services therefor as may be within its legal power to furnish.

History: En. Sec. 4, Ch. 82, L. 1967; R.C.M. 1947, 16-4904(11).

## Part 2

### Interlocal Cooperation Commission

**7-11-201. Statement of policy.** It is hereby declared to be the public policy of Montana to provide for the residents of the state the means of improving their local governments so that essential services can be provided more effectively and economically. The growth of urban population, the necessity to maintain local governmental services in areas of increasing population on one hand and in areas of decreasing population on the other, and the movement of people into suburban areas have created varied problems in the provision of public services and facilities which often cannot be met adequately by individual units of local government.

History: En. Sec. 1, Ch. 129, L. 1969; R.C.M. 1947, 11-4401(1).

**7-11-202. Purpose.** It is the purpose of this part to provide a method whereby the residents of local areas in Montana may propose local solutions to the common problems referred to in 7-11-201 in order that proper growth and development of the state may be assured and the health and welfare of the people therein secured.

History: En. Sec. 1, Ch. 129, L. 1969; R.C.M. 1947, 11-4401(2).

**7-11-203. Definitions.** As used in this part, the following definitions apply:

(1) "Commission" means an interlocal cooperation commission established pursuant to 7-11-204.

(2) "Principal city" means the city having the largest population in the county under consideration according to the latest federal decennial census.

(3) "Unit of local government" means a county, city, or town.

History: En. Sec. 2, Ch. 129, L. 1969; R.C.M. 1947, 11-4402.

**7-11-204. Authorization for establishment of interlocal cooperation commissions.** An interlocal cooperation commission may be established in either of two ways:

(1) A joint resolution providing for the establishment of an interlocal cooperation commission may be adopted by a separate vote of a majority of the governing bodies of the county, cities, and towns having any jurisdiction in the county under consideration. A certified copy of such resolution or certified copies of such concurring resolutions shall be transmitted to the clerk and recorder of the county, and an interlocal cooperation commission shall be deemed to be authorized.

(2) (a) A petition requesting the establishment of an interlocal cooperation commission shall be signed by at least 10% of the qualified voters within the county registered for the preceding general election and shall be filed with the clerk and recorder of the county.

(b) Upon receipt of such a petition, the clerk and recorder shall examine the source and certify to the sufficiency of the signatures thereon. Within 30 days following receipt of such petition, the clerk and recorder shall transmit the same to the board of county commissioners and to the governing bodies of all cities and towns having any jurisdiction in the county, together with his certificate as to the sufficiency thereof, and an interlocal cooperation commission shall be deemed to be authorized.

History: En. Sec. 3, Ch. 129, L. 1969; R.C.M. 1947, 11-4403(part).

**7-11-205. Limitation on number of interlocal cooperation commissions.** Only one commission may be established in a county at any one time.

History: En. Sec. 3, Ch. 129, L. 1969; R.C.M. 1947, 11-4403(part).

**7-11-206. Term of commission.** All commissions shall terminate 5 years from the date of their establishment. However, a commission, upon completion of its duties, may terminate earlier by a vote (favorable to such earlier termination) of three-fourths of the members.

History: En. Sec. 16, Ch. 129, L. 1969; amd. Sec. 2, Ch. 70, L. 1971; R.C.M. 1947, 11-4416.

**7-11-207. Composition of commission.** Any interlocal cooperation commission established pursuant to this part shall consist of members to be selected as follows:

- (1) four members selected by the county commissioners;
- (2) four members appointed by the mayor of the principal city and confirmed by the governing body of the city;
- (3) one member appointed by the mayor of each of the other cities and towns in the county and confirmed by the governing body of the city or town;
- (4) one member, who shall be chairman of the interlocal cooperation commission, selected by the other members of the commission at their initial meeting.

History: En. Sec. 4, Ch. 129, L. 1969; R.C.M. 1947, 11-4404(1).

**7-11-208. Qualifications of members of commission.** (1) Each member shall reside, at the time of his appointment, within the county if selected by the board of county commissioners or within the city or town by which appointed.

(2) No member shall be an official or employee of any unit of local government.

History: En. Sec. 4, Ch. 129, L. 1969; R.C.M. 1947, 11-4404(2), (3).

**7-11-209. Time of appointment.** The members of the interlocal cooperation commission shall be appointed within 60 days after the commission is authorized.

History: En. Sec. 5, Ch. 129, L. 1969; R.C.M. 1947, 11-4405.

**7-11-210. Vacancies.** In case of a vacancy for any cause, a new member shall be appointed in the same manner as the member he replaces.  
History: Ea. Sec. 7, Ch. 129, L. 1969; R.C.M. 1947, 11-4407(1).

**7-11-211. Compensation for members of commission.** Members of a commission shall receive no compensation but shall receive actual and necessary travel and other expenses incurred in the performance of official duties.  
History: Ea. Sec. 7, Ch. 129, L. 1969; R.C.M. 1947, 11-4407(2).

**7-11-212. Organization of commission — meetings.** (1) Not later than 80 days after the commission is authorized, the members of the commission shall meet and organize at a time which shall be set by the board of county commissioners.

(2) At the first meeting of the commission, one of the members appointed by the board of county commissioners shall be designated by that body to serve as temporary chairman. As its first official act, the commission shall select a chairman from outside its own membership.

(3) Further meetings of the commission shall be held upon call of the chairman, the vice-chairman in the absence or inability of the chairman, or a majority of the members of the commission.

History: Ea. Sec. 6, Ch. 129, L. 1969; R.C.M. 1947, 11-4406.

**7-11-213. Conduct of business.** (1) All meetings of the commission shall be open to the public.

(2) A majority of the members of the commission shall constitute a quorum for the transaction of business.

(3) Each member shall have one vote. A favorable vote by a majority of the entire commission shall be necessary for any action permitted by 7-11-230, but other actions may be by a majority of those present and voting.

(4) Each commission may adopt such other rules for its proceedings as it deems desirable.

History: Ea. Sec. 7, Ch. 129, L. 1969; R.C.M. 1947, 11-4407(3) thru (5).

#### 7-11-214 through 7-11-220 reserved.

**7-11-221. Powers and duties of commission.** A commission shall have the following powers and duties:

(1) to contract and cooperate with other public or private agencies, as it considers necessary for the rendition and affording of such services, facilities, studies, and reports to the commission as will best assist it to carry out the purposes for which the commission was established;

(2) to consult and retain such experts and to employ such executive, clerical, and other staff as, in the commission's judgment, may be necessary;

(3) to accept and expend money from any public or private source, including the federal government;

(4) to do any and all other things as are consistent with and reasonably required to perform its functions under this part.

History: Ea. Sec. 14, Ch. 129, L. 1969; R.C.M. 1947, 11-4414(part).

**7-11-222. Management of commission finances.** All money received by the commission shall be deposited with the county treasurer in the county. The county treasurer is authorized to disburse funds of the commission on its order.

History: Ea. Sec. 14, Ch. 129, L. 1969; R.C.M. 1947, 11-4414(part).

**7-11-223. Authorization to make appropriations for commission.** The units of local government within the county under consideration and the county may appropriate funds for the necessary expenses of the commission.

History: Ea. Sec. 15, Ch. 129, L. 1969; R.C.M. 1947, 11-4415.

**7-11-224. Preparation of comprehensive program.** (1) The commission shall prepare a comprehensive program for the furnishing of local governmental services, on both countywide and urban area bases, as it deems desirable.

(2) Within 3 years after the date of its organization, the commission shall complete the preparation of its proposals for the provision of both urban area services and countywide services and shall provide for adequate publication and explanation of its program.

History: (1)En. Sec. 9, Ch. 129, L. 1969; Sec. 11-4409, R.C.M. 1947; (2)En. Sec. 12, Ch. 129, L. 1969; and. Sec. 1, Ch. 70, L. 1971; Sec. 11-4412, R.C.M. 1947; R.C.M. 1947, 11-4409, 11-4412(part).

**7-11-225. Considerations in preparation of proposals.** (1) A commission shall consider the various areas included within the county, including areas incorporated as municipalities, unincorporated areas essentially urban in nature, unincorporated areas with both urban and rural characteristics, and predominantly rural areas.

(2) In the formation of its proposals, which can include arrangements for countywide governmental services and urban area services in both incorporated and unincorporated areas, a commission shall study and take into consideration:

(a) the existing land use within the county, including the location of highways and natural geographic barriers to and routes for transportation, making use wherever possible of comprehensive land use plans prepared for the area by organized planning boards or other reliable surveys;

(b) the need for organized local governmental services, the present cost and adequacy of local governmental services and controls in the area, probable future needs for such services and controls, and the probable effect of alternative courses of action on the cost and adequacy of services and controls in the areas concerned and in adjacent areas;

(c) population density, distribution, and growth; per capita assessed valuation; and the likelihood of significant growth in the areas concerned and in adjacent incorporated and unincorporated areas;

(d) the boundaries of existing units of local government;

(e) maintenance of citizen access to, control of, and participation in local government;

(f) such other matters as might affect provision of local governmental services on an equitable basis and provide more efficient and economical administration thereof.

History: En. Sec. 8, Ch. 129, L. 1969; R.C.M. 1947, 11-4408.

**7-11-226. Consideration of property and debts.** The commission shall:

(1) determine the value and amount of all property used in performing any local governmental service and all bonded and other indebtedness of units of local government attributable to the acquisition of such property and affected by its comprehensive program for both urban area services and countywide services; and

(2) determine and provide in its proposed program for assumption or equitable adjustment of such property and debts of each unit of local government affected.

History: En. Sec. 11, Ch. 129, L. 1969; R.C.M. 1947, 11-4411.

**7-11-227. Furnishing of information to commission.** Upon request of the chairman of the commission, all state agencies, all counties and other units of local government, and the officers and employees thereof shall furnish the commission such information as may be necessary for carrying out its functions and which may be available to or procurable by such agencies or units of government.

History: En. Sec. 14, Ch. 129, L. 1969; R.C.M. 1947, 11-4414(part).

**7-11-228. Public hearings on proposed program — notice.** Notice of hearings shall be published once each week for at least 2 weeks preceding a hearing, in at least one newspaper of general circulation in the county. The notice shall state the time and place of the hearing.

History: En. Sec. 12, Ch. 129, L. 1969; amd. Sec. 1, Ch. 70, L. 1971; R.C.M. 1947, 11-4412(part).

**7-11-229. Recommendations to implement program.** In preparing its comprehensive program for furnishing local governmental services, a commission may recommend one or more of the following courses of action:

(1) performance of one or more services by any existing unit of local government;

(2) consolidation of specified services by transfer of functions between local units of government, by creation of joint administrative agencies, or by contractual agreements;

(3) consolidation of any existing special service district with one or more other special service districts to perform all of the services provided by any of them;

(4) creation of a new special service district to perform one or more services, with provision for the dissolution of any existing special service districts performing like service or services within the proposed boundaries of such new district;

(5) annexation of unincorporated territory to any existing city or town;

(6) consolidation of any existing cities and towns with any other existing cities and towns;

(7) consolidation of any cities and towns with the county in which they lie;

(8) creation of a permanent council of governments consisting of members of the governing bodies of the units of local government within and including the county concerned;

(9) creation of a unified government for the entire county, vested with:

(a) any and all powers which cities are or may hereafter be authorized or required to exercise under the constitution and general laws of Montana; and

(b) any and all powers which counties are or may hereafter be authorized or required to exercise under the constitution and general laws of Montana;

(10) any other change it considers desirable involving creation, dissolution, or consolidation of units of local government in the county under consideration or involving alteration of their boundaries, powers, and responsibilities, consistent with provisions of the constitution of Montana.

History: En. Sec. 10, Ch. 129, L. 1969; R.C.M. 1947, 11-4410.

**7-11-230. Procedure for making recommendations.** After public hearing, the commission shall submit proposals contained in its comprehensive program for action as follows:

(1) If the comprehensive plan of the commission includes the creation of or any change, alteration, consolidation, dissolution, or annexation with respect to any unit of local government or special district a procedure for which is provided by law upon petition by the people and an election, the commission shall make public its proposal or proposals to the people in the area or areas affected.

(2) If the comprehensive plan includes the consolidation or transfer of the administrative and financial responsibilities for services between or among municipalities and counties, the commission shall make public its recommendation to the electorate of the local governments for referenda as provided for in 7-11-302.

(3) If the comprehensive plan includes any change, alteration, interlocal agreement, consolidation, dissolution, or annexation with respect to any unit

of local government or special district which can be carried into effect under existing law by action of the governing bodies of the units affected, the commission shall recommend the necessary action to the governing body or bodies of the units of government concerned.

(4) If the comprehensive plan includes the creation of or any change, alteration, consolidation, dissolution, or annexation with respect to any unit of local government or special district which necessitates enabling legislation or amendments to the general laws or constitution of Montana, the commission shall make such recommendation or recommendations to the ensuing legislature.

History: En. Sec. 13, Ch. 129, L. 1969; R.C.M. 1947, 11-4413; amd. Sec. 11, Ch. 314, L. 1981.

**Compiler's Comments**

1981 Amendment: Inserted subsection (2).

### **Part 3** **Consolidation and Transfer of Services**

**7-11-301. Purpose.** (1) The purpose of this part is to provide procedures for the electors of local governments to consolidate or transfer the administrative and financial responsibility for services between or among municipalities and counties.

(2) Nothing in this part is to be construed as in any way affecting the authority of local governments to enter into interlocal agreements or contracts as provided by law.

History: En. Sec. 1, Ch. 314, L. 1981.

**7-11-302. Consolidation and transfer of services.** (1) A consolidation or transfer of services between or among municipalities may be proposed by a petition of the electors or on a recommendation of an interlocal cooperation commission as provided in 7-11-230.

(2) A petition or recommendation may propose to consolidate or transfer the administrative or financial responsibility or any administrative service, activity, or undertaking that any of the local governments included in the proposed consolidation or transfer are authorized by law to perform.

(3) Notwithstanding the requirements of 7-32-101, a petition or recommendation may propose to consolidate or transfer any law enforcement administrative service, activity, or undertaking between or among local governments.

History: En. Sec. 2, Ch. 314, L. 1981.

**7-11-303. Petition for consolidation or transfer of services.** (1) A petition or recommendation for the consolidation or transfer of the administrative and financial responsibility for services between or among local governments may be presented to the governing bodies of the local governments affected by the consolidation or transfer.

(2) A petition must be signed by at least 15% of the electors registered at the last general election of the local governments affected by the proposed consolidation or transfer.

(3) Whenever the consolidation or transfer of a service between a county and municipality is proposed by petition, the petition must be signed by at least 15% of the electors residing in each municipality included in the service consolidation or transfer and 15% of the electors residing in the remainder of the county.

(4) Upon determination of the sufficiency of the petition or upon receipt of a recommendation of the interlocal cooperation commission, the governing body of each of the local governments affected by the proposed consolidation

or transfer shall call an election on the transfer or consolidation as provided in 7-11-307.

History: En. Sec. 3, Ch. 314, L. 1981.

**7-11-304. Service plan.** (1) The petitioners or the interlocal cooperation commission shall prepare a service plan governing the service or activity proposed to be transferred or consolidated.

(2) The plan shall provide:

(a) the nature of service or function to be consolidated or transferred;

(b) the effective date of the proposed consolidation or transfer;

(c) the responsibility for administration of the service to be consolidated or transferred, including the succession of the performance of duties currently performed by an elected officer if the elective status of an office is affected;

(d) the manner in which affected employees currently engaged in the performance of the function will be transferred, reassigned, or otherwise treated;

(e) the manner in which real property, facilities, equipment, or other personal property required in the exercise of the function are to be transferred, sold, or otherwise disposed of;

(f) the method of financing, establishing, and maintaining a budget for the service; and

(g) other legal, financial, and administrative arrangements necessary to effect the transfer in an orderly and equitable manner.

(3) The service plan may include provisions for an administrator or joint board responsible for administering any joint or cooperative undertaking.

(4) The service plan shall be attached to the petition or to the interlocal cooperation commission's recommendation when it is submitted to the governing bodies affected by the service consolidation or transfer.

History: En. Sec. 4, Ch. 314, L. 1981.

**7-11-305. Availability of petition or recommendation and service plan.** (1) Sufficient copies of the petition or recommendation of the interlocal cooperation commission proposing a service consolidation or transfer and the service plan must be made available to the public for inspection at convenient locations and at reasonable hours to provide all interested persons an opportunity to review the recommendations and documents. The copies must be available no later than 30 days prior to an election on the proposal if such an election is to be held.

(2) Each local government affected by the proposal may distribute copies of the service plan to its residents.

History: En. Sec. 5, Ch. 314, L. 1981.

**7-11-306. Publication of summary and comparison.** (1) A summary of the recommendations contained in a petition or recommendation and the service plan proposing the consolidation or transfer of a service or activity must be published at least twice in a newspaper of general circulation in each local government affected by the proposal. The publication must be made during the 2 weeks preceding the election.

(2) The summary must contain a description of the recommendations, a comparison of the existing and proposed methods of service delivery, and a list of locations where the full proposal may be seen or obtained.

(3) The cost of publication required by this section shall be shared by the affected local governments.

History: En. Sec. 6, Ch. 314, L. 1981.

**7-11-307. Election on service consolidation or transfer.** (1) The governing bodies of each local government affected by a proposed service consolidation or transfer shall jointly call a special election on the question

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of service consolidation or transfer, to be held within 120 days of the date of the filing of the petition under 7-11-303 or within 120 days of the receipt by the local government of the interlocal cooperation commission recommendation. The special election may be held in conjunction with any other election. The county election administrator shall prepare and print notices of the special election.

(2) The cost of the election shall be shared by the affected local governments in proportionate shares as agreed to by the governing bodies of the local governments.

History: Ea. Sec. 7, Ch. 314, L. 1981.

**7-11-308. General ballot requirements.** (1) The question of adopting a service consolidation or transfer shall be submitted to the electors of the local governments affected by the proposal in substantially the following form:

Shall the plan for (consolidation or transfer) of (insert name of service or function) services proposed in the (petition or recommendation of the interlocal cooperation commission) and service plan to the (insert the names of local government units) be adopted?

- YES.
- NO.

(2) If the question of adopting a service consolidation or transfer alters the elective status of any elected county official, it shall be submitted to the electors of the local governments affected by the proposal in substantially the following form:

- For adoption of (consolidation or transfer) of (insert name of service or function) proposed in the (petition or recommendation of the interlocal cooperation commission) and service plan to the (insert names of local government units) in which the office of (insert name of county office) is (insert description of changes in elective status).
- For existing service delivery arrangements.

(3) In any election involving the question of service consolidation or transfer, an affirmative vote of a simple majority of those voting on the question is required for adoption.

(4) If the electors disapprove the proposed service consolidation or transfer, each local government retains its existing service delivery method until changed or modified as provided by law.

(5) Except for nonsubstantive adjustments required to insure efficient and effective operations, a service consolidation or transfer effected by the procedures contained in this part may be amended or otherwise changed only in the same manner as required for its adoption.

History: Ea. Sec. 8, Ch. 314, L. 1981.

**7-11-309. Effect of adoption of service consolidation or transfer.** The adoption of a service consolidation or transfer does not affect the validity of any bond, debt, contract, collective bargaining agreement, obligation, or cause of action accrued or established by any affected local government prior to the consolidation or transfer.

History: Ea. Sec. 9, Ch. 314, L. 1981.

**7-11-310. Judicial review.** (1) Judicial review to determine the validity of the procedures used in adopting any service consolidation or transfer may be initiated by petition in district court of 10 or more registered electors

of each local government affected by the consolidation or transfer brought within 60 days after the election adopting the service consolidation or transfer. If no petition is filed within that period, compliance with all the procedures required by 7-11-303 through 7-11-310 and the validity of the manner in which the service consolidation or transfer was approved is conclusively presumed.

(2) It is presumed that proper procedure was followed and all procedural requirements were met. The adoption of a service consolidation or transfer may not be considered invalid because of any procedural error or omission unless it is shown that the error or omission materially and substantially affected its adoption.

History: En. Sec. 10, Ch. 314, L. 1981.

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**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

TITLE: FINANCIAL CONSIDERATIONS  
FOR STUDY COMMISSION  
OPERATIONS

MANUAL TAB: L  
NUMBER OF PAGES: 10  
DATE: November 26, 1984  
PREPARED BY: Don Dooley,  
Local Government Services  
Division, Department of  
Commerce, Helena, Montana

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## FINANCIAL CONSIDERATIONS FOR STUDY COMMISSION OPERATIONS

By: Donald Dooley  
Assistant Administrator  
Local Government Services Division  
Department of Commerce

### Introduction

In order to effectively address the primary mission of studying their local government and arriving at viable alternatives, a study commission must at the same time manage its own resources. For some study commissions, the amount of monetary resources is significant, others must conduct their business with a minimum amount of available funds (See Table 1).

Since the commission's major funding source is a one mill ad valorum tax levy, it is reasonable to assume that they would budget and expend their funds in accordance with the same laws and regulations which control expenditures made by their respective local governments. However, given the temporary nature of study commission activities, combined with the fact that Fiscal Year 1985 budgets have already been set, it is equally reasonable to expect that Local Government Study Commissions should be allowed as much flexibility as possible in the handling of their fiscal affairs.

The primary purpose of this article is to provide study commissions with some basic information with which to plan the scope and content of their respective projects. As a secondary purpose, it is hoped that the information will give study commissioners an overview of the budgetary processes used by the governments under study. While the main thrust of the article is the local government budget process, any interested commissioner is urged to review the BARS manual located in the office of each local finance administrator. This document describes, in nontechnical terms, the Uniform State-wide Budgetary, Accounting and Reporting System in use by Montana local governments.

### Commission Staffing

There is no statutory requirement that study commissioners hire or appoint from their membership either a secretary or a treasurer. However, Section 7-3-181 (2) does require that each study commission maintain a written record of its proceedings and finances which is available to the public. Based on study commission experience in the 1970's, it is recommended that each study commission either hire or appoint a person or persons to serve as secretary and/or treasurer.

TABLE 1  
LOCAL GOVERNMENT REVIEW  
Study Commissions Approved in June, 1984  
And Total Dollar Value of 1 Mill in Each Entity

COUNTIES		Value of 1 Mill	
Beaverhead	\$ 15,156	Lincoln	\$ 33,311
Big Horn	127,756	Madison	15,668
Blaine	31,251	Meagher	7,974
Broadwater	10,928	Park	18,361
Carbon	28,234	Phillips	39,348
Cascade	89,420	Pondera	25,177
Custer	18,275	Ricland	124,659
Deer Lodge/Anaconda	12,460	Roosevelt	76,933
Flathead	86,418	Rosebud	244,365
Gallatin	59,488	Sheridan	87,867
Glacier	45,796	Silver Bow/Butte	46,788
Hill	45,369	Toole	<u>48,028</u>
Jefferson	15,387	Total Counties	\$ 1,403,396
MUNICIPALITIES		Value of 1 Mill	
Bainville	\$ 174	Kalispell	\$ 16,222
Baker	2,082	Kevin	104
Belgrade	2,457	Lavina	120
Belt	375	Lewistown	4,897
Boulder	715	Libby	3,506
Bozeman	21,251	Livingston	7,022
Brider	596	Lodge Grass	201
Brockton	86	Malta	2,560
Browning	385	Manhattan	725
Cascade	512	Medicine Lake	267
Chinook	1,220	Melstone	165
Circle	827	Miles City	9,202
Clyde Park	169	Plentywood	2,370
Columbia Falls	3,413	Plevna	105
Conrad	2,883	Poplar	623
Culbertson	642	Red Lodge	2,219
Cut Bank	3,357	Richey	272
Deer Lodge	2,940	Ronan	1,371
Dillon	3,306	Roundup	1,573
Dodson	107	Saco	197
Ekalaka	6,823	Shelby	2,469
Ennis	642	Sidney	6,242
Fairfield	617	Stevensville	977
Fairview	754	Sunburst	268
Forsyth	2,131	Superior	785
Fort Benton	1,490	Three Forks	945
Fromberg	299	Townsend	1,521
Geraldine	248	Valier	554
Glendive	7,554	Walkerville	281
Great Falls	55,083	West Yellowstone	1,500
Hamilton	3,321	Westby	135
Harlowton	763	White Sulphur Springs	822
Hardin	3,061	Whitefish	4,621
Havre	9,764	Whitehall	844
Hingham	207	Wibaux	617
Hobson	182	Wolf Point	<u>2,312</u>
Hysham	299	Total Municipalities	\$ 219,349
		GRAND TOTAL	\$ 1,622,745

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Section 7-3-183 (1), MCA allows study commissions to employ and fix the compensation and duties of necessary staff. According to a survey conducted by Dr. Jim Lopach of the University of Montana Political Science Department following the 1976 Voter Review, 60 percent of the 144 commissions surveyed had utilized clerical staff, 14 percent utilized research assistants, nine percent used professional consultants and 19 percent used community volunteers as resources. Of course, the amount of paid staff, if any, is directly related to the amount of monetary resources available to the commission.

#### "In-kind" Services

Section 7-3-184 (2) (b), MCA requires that each local government provide its study commission with office and meeting space and clerical assistance. This may be considered as "in-kind" services for the purpose of meeting the one mill equivalent provision of Section 7-3-184 (2) (a). Local governments are permitted to provide funds and assistance in addition to the one mill equivalent; however, they are not required to do so (Section 7-3-184 (1) (c)). In pricing the "in-kind" services, local governments are expected to use some reasonable cost basis which is related to the goods or services provided. For example, hourly rates for the services of governmental employees should be related to the employees' annual salary plus benefits. Use of governmental equipment, such as typewriters, should be based on the book value of the equipment charges for meeting and office space should be on a square footage basis and relate to the total cost of the facility used and its maintenance expenses.

From the foregoing, it can be seen that one of the commission's first actions prior to setting its Fiscal Year 1985 budget should be to meet with local government officials of the entity under study to discuss such questions as:

- What is the makeup and rate base of the "in-kind" funding proposed for Fiscal Year 1985?
- Would the local government consider providing additional in-kind services and facilities beyond that contained within the one mill equivalent?
- Which officials of the entity will be made available to the commission and what will be the rate for their services?

Aside from the one mill equivalency, study commissions from low valuation entities may want to find additional resources to support their study. Possibilities for low cost resources include talent on the commission itself, voluntary services of governmental personnel, state agency services, or services offered through the university system. Also, study commissions may wish to canvass their own entity in an attempt to identify and recruit the skills of community volunteers.

### The Local Government Budget

The word "budget" is believed to have come from the Middle Ages. Opinions differ as to whether the origin is English or French, however, most evidence points to a derivation from the Middle English "bouget", meaning bag or wallet.

In England the word "budget" was applied for a long time to a large leather bag in which the king's treasurer (later the chancellor of the exchequer) carried documents explaining the country's needs and resources when he went before parliament. Over time, the meaning of the word "budget" shifted from the bag itself to the documents which it contained. Today, the term "budget" is used to refer to a legislative appropriation of spending authority to a governmental unit, based upon such unit's fiscal needs and available resources.

Over the years, several types of budgeting have been developed, all of which are available to Montana local governments. The more common types of budgeting are:

1. The traditional budget approach
2. The program budget approach
3. The performance budget approach
4. The zero-based budget approach

There are no standard definitions of these basic budgetary approaches. Each tends to overlap the other in the sense that if the traditional approach is used, this choice does not preclude the use of programs or performance data in the preparation and consideration of the budget.

The traditional approach to budgeting is one which emphasizes input by organizational unit and by objects of expenditures within each local government. For example, the Local Government Study Commission would be viewed under the traditional approach as a single organizational unit, similar to the County Sheriff or the City Park Department, with budget details in the form of objects (i. e. Personal Services, Maintenance and Operation and Capitol Outlay).

Budgeting under the program approach crosses organizational unit lines by bringing various aspects of several units together to form a single program. For example, a program aimed at controlling juvenile delinquency at the county level may include certain activities of the County Welfare Agency, County Sheriff's Office, Juvenile Court and County Attorney's Office.

Under the performance budget approach, expenditures are based primarily upon measurable performance of activities and work programs. In order to use this more sophisticated budgetary approach, an entity must have substantial data on hand covering such units of work as number of feet of curbs or square yards of street to be cleaned. Using this data, management is able to determine effectively whether there is a reasonable relationship between a government's input of resources and its output of services.

Zero-based budgeting is a relatively recent phenomenon in which a governmental program or activity is budgeted from a base of zero instead of using its historical expenditures as a basis for future appropriations. No prior assumptions about the program's right to life or mission are used, and appropriations are constructed by attaching dollar values to each of the program's goals and objectives for the fiscal period.

For the most part, Montana local governments have historically used the traditional budgetary approach. Some larger governments frequently use the program approach and have experimented with performance and zero-based budgeting.

#### Budgetary Categories

Montana law divides local government budgets into six broad categories (Sections 7-6-2314 (counties) and 7-6-4225 (cities/towns)):

1. Salaries and Wages
2. Maintenance and Operation
3. Capital Outlay
4. Interest and Debt Redemption
5. Miscellaneous
6. Expenditures from Unissued Approved Bond Issues

Of these categories, study commissions will normally be concerned with only the first three:

#### Salaries and Wages (BARS Object Codes 100-199)

Also referred to as Personal Services, this category is used to account for services rendered by officers and employees of the commission, whether full or part time, including related benefits and employer's contributions. The Budget Acts require that, under this category of the budget, each salary must be set forth separately, together with the title or position of the recipient.

#### Maintenance and Operation (BARS Object Codes 200-599/700-899)

This is the broadest of the object expenditure classifications, and will be used to account for virtually every study commission expenditure which is not associated with Personal Services or Capital Outlay. Some commission expenditures which will be budgeted and accounted for within this category include office supplies and materials, postage, printing and duplicating, publications, travel and consultant services.

#### Capital Outlay (BARS Object Codes 900-950)

This classification is used to account for the purchase of fixed assets, including land and buildings. Study commission expenditures for Capital Outlay will be minimal, but may include such items as typewriters, calculators and/or office furniture.

Both the BARS and Town Accounting Manuals contain detailed breakdowns of each of the three budget categories described above. Study commissions should check with local finance administrators to obtain a listing of expenditure subcategories which best suit their proposed expenditure program.

#### The Budget Calendar

Any discussion of the local government budget process usually contains an explanation of the budget calendar, which is a flowchart of the statutory and administrative deadlines for action leading to the approval of the official city/county budget on the second Monday in August of each year. Copies of the county and municipal budget calendars are shown in Exhibits One and Two.

For purposes of the study commission's Fiscal Year 1985 budget, the budget calendars and the process they describe will be of informational value only. Local government budgets for Fiscal Year 1985 were officially set in August of 1984 and cannot be substantially revised. However, since the appropriations for the broad categories of study commission expenditures were arbitrarily set by local governing bodies prior to the election of study commission, it seems only fair that each study commission have the discretion to revise the categories once they have had an opportunity to formulate their expenditure needs for both Fiscal Years 1985 and 1986.

#### State Budgetary Regulation

Montana law requires that all local governments, even those which exercise self-government powers, must follow state laws regulating budgeting (Section 7-1-114 (1) (g)). These laws governing local government budgeting are found in Title Seven, Chapter Six of the Montana Codes Annotated in Parts 23 (County Budget Law) and Parts 42 (Municipal Budget Law). These two Parts generally parallel each other, with only minor differences in language.

The Montana Department of Commerce has the overall responsibility for enforcing the two budget acts. The department has incorporated the major provisions of the two budget acts, along with details on budgeting, accounting, and reporting into a manual entitled the "Budgetary, Accounting and Reporting System for Montana Cities and Counties". This manual and the uniform systems it covers are referred to by the acronym BARS. A separate accounting and reporting system for Montana towns was developed prior to the implementation of the BARS System; however, the Town System is currently being revised to parallel the BARS System. Copies of both the BARS and town manuals are available to study commissioners through their local finance administrators. The term "finance administrator", as used here and in the study commission legislation, usually refers to the County Clerk and Recorder, City Clerk or Town Clerk/Treasurer.

#### Recommendations

Given the preceding discussion, the following budgeting steps are recommended to all Local Government Study Commissions:

1. Meet with your local governing body and local finance administrator to review the Fiscal 1985 Study Commission Budget. Ascertain the makeup of the 1985 budget as regards expenditure classifications and anticipated revenues from taxes and nontax revenue sources such as motor vehicle fees, block grants and corporation license taxes. Also discuss what in-kind services the governing body plans to provide, their pricing policies, and designate responsibilities for accounting for in-kind services.
2. Meet for the purpose of preparing a comprehensive study plan covering the life of the study commission. Once a single plan of action has been developed, break the plan into action items scheduled for Fiscal Year 1985 and those planned for Fiscal Year 1986. Even though the plan arrived at is subject to revision at a later date, it is important that a significant amount of commission time be spent in this initial planning process.
3. For the Fiscal Year 1985 portion of the commission plan, determine which items can be accomplished using volunteer or in-kind services and which will require spending authority. This step may have to be repeated until the total spending authority required is equal to or less than the total appropriation for study commission purposes contained in the official Fiscal Year 1985 Entity Budget.

4. Once the total Fiscal Year 1985 study commission appropriation is arrived at, this figure should be broken down into the various object expenditure appropriation codes obtained earlier from the local finance administrator. The revised appropriation classification should then be submitted to the local governing body for their approval. After approval, the study commission budget should be sent to the local finance administrator who will use it to replace the classifications arbitrarily set by local governing bodies in the original Fiscal Year 1985 Entity Budget.
5. The study commission is now in a position to issue orders in payment of bills for goods or services. City/town study commissions will have to obtain blank municipal claim forms from the local finance administrator and obtain the signature of any vendor of goods and services prior to submitting the claim for payment. County study commissions need not obtain vendors' signatures unless local policy so requires, however it is recommended that the commissions use county claim forms for all payments.
6. Study commission claims may be approved by the commission either individually or by a listing which is made a part of the approved commission minutes.
7. Study commission orders should be printed in prenumbered form and may be either specially printed or county/city warrants with blank fund designations may be used. For internal control purposes, it is recommended that two commission members, such as the chairman and treasurer, have authority to sign orders.
8. The study Commission should periodically review its budget by preparing a simple analysis which compares original appropriations against expenditures to date and unspent appropriations remaining. In this way, the commission can adjust its spending to fit available appropriations and avoid budget overdrafts at year end.

This brief review of the local government budget process is not intended to cover all aspects of local government budgeting, but merely to serve as general information to study commissioners as they begin their work. For further details on the budget process, study commissions are urged to develop a dialogue with their respective governing bodies and finance administrators.

Information on all aspects of local government budgeting, accounting and reporting can be obtained through the Montana Department of Commerce, Local Government Services Division, Capitol Station, Helena, Montana 59620 - telephone number 444-3010.

EXHIBIT ONE

COUNTY BUDGET CALENDAR

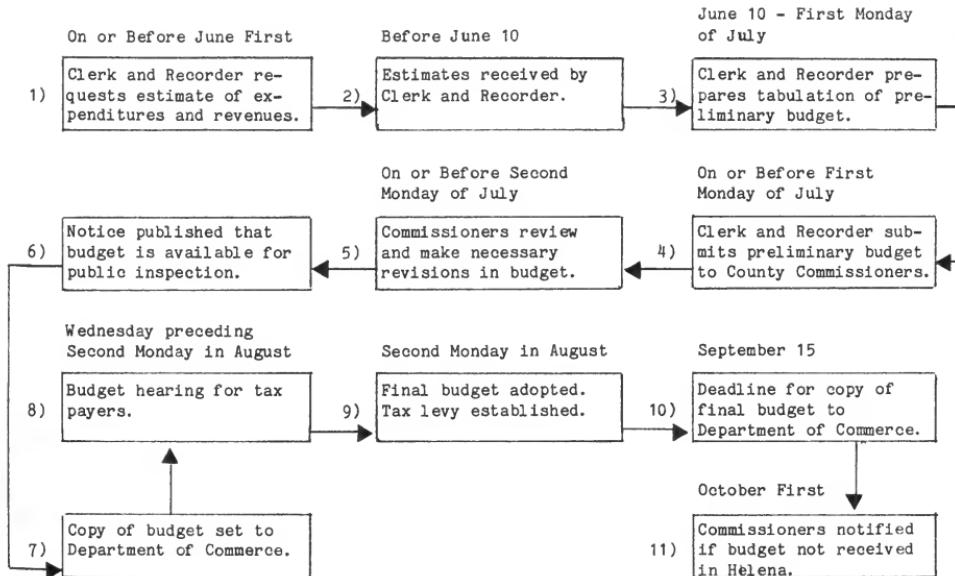
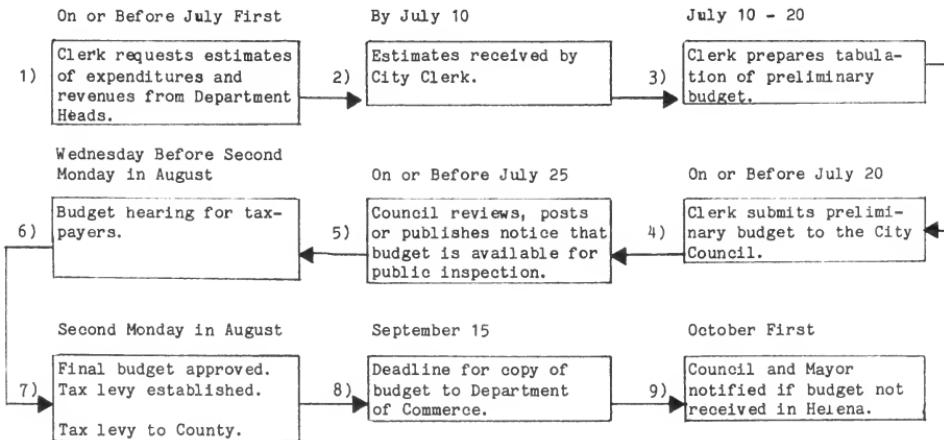


EXHIBIT TWO

CITY BUDGET CALENDAR



**EXHIBIT THREE**

## MAJOR COMPONENTS OF THE BUDGETARY ACCOUNTING AND REPORTING SYSTEM (BARS)

ACCOUNT CODE SUBDIVISION

REINVENTING ACCOUNTING

**Fund Code -** The numerical indicator assigned to identify an independent fiscal and accounting entity with a self-balancing set of accounts consisting of assets, liabilities and fund balance.

**Program and Job Code** - The numerical indicator assigned to identify a group of interdependent, closely related activities or jobs contributing to a common objective of the government unit.

Organization (Department) Code - The numerical indicator assigned to a department, division or bureau, which will identify it as a dis-

Function Code - The numerical indicator assigned to designate those broad authorized services that are provided by all government units regardless of size.

**Activity Code** - The numerical indicator assigned to identify a specific line of work carried on by a government unit in order to perform one of its functions.

**Sub-Activity Code** - The numerical indicator assigned to identify more specific activities related to the Activity Code.

Revenue Detail Source Code - The numerical indicator assigned to identify particular items of revenue with a single sub-source.

LOCAL GOVERNMENT STUDY COMMISSION FUND CODE NUMBER 2265 (BARS)  
226 (TOWNS)

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**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

TITLE: STATE LAWS FOR PUBLIC  
BODIES ON "RIGHT OF  
PARTICIPATION" AND  
"RIGHT TO KNOW" PRO-  
VISIONS

MANUAL TAB: M  
NUMBER OF PAGES: 6  
DATE: November, 1984  
PREPARED BY: Lee Heiman,  
Staff Attorney,  
Legal Services  
Division,  
Legislative Council,  
Helena, Montana

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THE  
CONSTITUTION  
OF THE  
STATE OF MONTANA  
ARTICLE II  
DECLARATION OF RIGHTS

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

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MONTANA CODE ANNOTATED  
1983

TITLE 2  
GOVERNMENT STRUCTURE  
AND ADMINISTRATION

CHAPTER 3  
PUBLIC PARTICIPATION  
IN GOVERNMENTAL OPERATIONS

Part 1 — Notice and Opportunity to be Heard

Section

- 2-3-101. Legislative intent.
- 2-3-102. Definitions.
- 2-3-103. Public participation — governor to insure guidelines adopted.
- 2-3-104. Requirements for compliance with notice provisions.
- 2-3-105. Supplemental notice by radio or television.
- 2-3-106. Period for which copy retained.
- 2-3-107. Proof of publication by broadcast.
- 2-3-108 through 2-3-110 reserved.
- 2-3-111. Opportunity to submit views.
- 2-3-112. Exceptions.

- 2-3-113. Declaratory rulings to be published.  
2-3-114. Enforcement.

#### **Part 2 — Open Meetings**

- 2-3-201. Legislative intent — liberal construction.  
2-3-202. Meeting defined.  
2-3-203. Meetings of public agencies to be open to public — exceptions.  
2-3-204 through 2-3-210 reserved.  
2-3-211. Recording.  
2-3-212. Minutes of meetings — public inspection.  
2-3-213. Voidability.  
2-3-214 through 2-3-220 reserved.  
2-3-221. Costs to plaintiff in certain actions to enforce constitutional right to know.
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#### **Part 1**

#### **Notice and Opportunity to be Heard**

**2-3-101. Legislative intent.** The legislature finds and declares pursuant to the mandate of Article II, section 8, of the 1972 Montana constitution that legislative guidelines should be established to secure to the people of Montana their constitutional right to be afforded reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency.

History: En. 82-4226 by Sec. 1, Ch. 491, L. 1975; R.C.M. 1947, 82-4226.

**2-3-102. Definitions.** As used in this part, the following definitions apply:

(1) "Agency" means any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules, determine contested cases, or enter into contracts except:

- (a) the legislature and any branch, committee, or officer thereof;
- (b) the judicial branches and any committee or officer thereof;
- (c) the governor, except that an agency is not exempt because the governor has been designated as a member thereof; or
- (d) the state military establishment and agencies concerned with civil defense and recovery from hostile attack.

(2) "Rule" means any agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule but does not include:

- (a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public; or
- (b) declaratory rulings as to the applicability of any statutory provision or of any rule.

(3) "Agency action" means the whole or a part of the adoption of an agency rule, the issuance of a license or order, the award of a contract, or the equivalent or denial thereof.

History: En. 82-4227 by Sec. 2, Ch. 491, L. 1975; amd. Sec. 23, Ch. 285, L. 1977; amd. Sec. 1, Ch. 452, L. 1977; R.C.M. 1947, 82-4227(part); amd. Sec. 1, Ch. 243, L. 1979.

**2-3-103. Public participation — governor to insure guidelines adopted.** (1) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures shall assure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public.

- (2) The governor shall insure that each board, bureau, commission,

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department, authority, agency, or officer of the state adopts coordinated rules for its programs, which guidelines shall provide policies and procedures to facilitate public participation in those programs, consistent with subsection (1) of this section. These guidelines shall be adopted as rules and published in a manner which may be provided to a member of the public upon request.

History: En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(1), (5).

**Cross-References**

Right of public participation in government, Art. II, sec. 8, Mont. Const.

Adoption of rules, 2-4-302.

Publication of rules — availability, 2-4-312.

**2-3-104. Requirements for compliance with notice provisions.** An agency shall be considered to have complied with the notice provisions of 2-3-103 if:

- (1) an environmental impact statement is prepared and distributed as required by the Montana Environmental Policy Act, Title 75, chapter 1;
- (2) a proceeding is held as required by the Montana Administrative Procedure Act;
- (3) a public hearing, after appropriate notice is given, is held pursuant to any other provision of state law or a local ordinance or resolution; or
- (4) a newspaper of general circulation within the area to be affected by a decision of significant interest to the public has carried a news story or advertisement concerning the decision sufficiently prior to a final decision to permit public comment on the matter.

History: En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(2).

**Cross-References**

Montana Administrative Procedure Act — proceedings, 2-4-302, 2-4-306, 2-4-601.

**2-3-105. Supplemental notice by radio or television.** (1) Any official of the state or any of its political subdivisions who is required by law to publish any notice required by law may supplement such publication by a radio or television broadcast of a summary of such notice or by both of such broadcasts when in his judgment the public interest will be served.

(2) The summary of such notice shall only be read with no reference to any person by name then a candidate for political office.

(3) Such announcements shall be made only by duly employed personnel of the station from which such broadcast emanates.

(4) Announcements by political subdivisions may be made only by stations situated within the county of origin of the legal notice unless no broadcast station exists in such county, in which case announcements may be made by a station or stations situated in any county other than the county of origin of the legal notice.

History: En. Sec. 1, Ch. 149, L. 1963; R.C.M. 1947, 19-201.

**2-3-106. Period for which copy retained.** Each radio or television station broadcasting any summary of a legal notice shall for a period of 6 months subsequent to such broadcast retain at its office a copy or transcription of the text of the summary as actually broadcast, which shall be available for public inspection.

History: En. Sec. 2, Ch. 149, L. 1963; R.C.M. 1947, 19-202.

**2-3-107. Proof of publication by broadcast.** Proof of publication of a summary of any notice by radio or television broadcast shall be by affidavit of the manager, an assistant manager, or a program director of the radio or television station broadcasting the same.

History: En. Sec. 3, Ch. 149, L. 1963; R.C.M. 1947, 19-203.

**Cross-References**

Affidavits — generally, Title 26, ch. 1, part 10.

Affidavit defined, 26-1-1001.

**2-3-108 through 2-3-110 reserved.**

**2-3-111. Opportunity to submit views.** Procedures for assisting public participation shall include a method of affording interested persons reasonable opportunity to submit data, views, or arguments, orally or in written form, prior to making a final decision that is of significant interest to the public.

History: En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(3).

**Cross-References**

Right of public participation in government, Art. II, sec. 8, Mont. Const.

**2-3-112. Exceptions.** The provisions of 2-3-103 and 2-3-111 do not apply to:

- (1) an agency decision that must be made to deal with an emergency situation affecting the public health, welfare, or safety;
- (2) an agency decision that must be made to maintain or protect the interests of the agency, including but not limited to the filing of a lawsuit in a court of law or becoming a party to an administrative proceeding; or
- (3) a decision involving no more than a ministerial act.

History: En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(4).

**Cross-References**

Emergency rules, 2-4-303.

Disaster and emergency services, Title 10, ch. 3.

**2-3-113. Declaratory rulings to be published.** The declaratory rulings of any board, bureau, commission, department, authority, agency, or officer of the state which is not subject to the Montana Administrative Procedure Act shall be published and be subject to judicial review as provided under 2-4-623(6) and 2-4-501, respectively.

History: En. 82-4227 by Sec. 2, Ch. 491, L. 1975; amd. Sec. 23, Ch. 285, L. 1977; amd. Sec. 1, Ch. 452, L. 1977; R.C.M. 1947, 82-4227(part); amd. Sec. 3, Ch. 184, L. 1979.

**2-3-114. Enforcement.** The district courts of the state have jurisdiction to set aside an agency decision under this part upon petition made within 30 days of the date of the decision of any person whose rights have been prejudiced.

History: En. 82-4229 by Sec. 4, Ch. 491, L. 1975; amd. Sec. 25, Ch. 285, L. 1977; R.C.M. 1947, 82-4229.

**Part 2  
Open Meetings**

**2-3-201. Legislative intent — liberal construction.** The legislature finds and declares that public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the peoples' business. It is the intent of this part that actions and deliberations of all public agencies shall be conducted openly. The people of the state do not wish to abdicate their sovereignty to the agencies which serve them. Toward these ends, the provisions of the part shall be liberally construed.

History: En. Sec. 1, Ch. 159, L. 1963; R.C.M. 1947, 82-3401.

**Cross-References**

Right of public to examine documents or to observe deliberations of public bodies, Art. II, sec. 9, Mont. Const.

**2-3-202. Meeting defined.** As used in this part, "meeting" means the convening of a quorum of the constituent membership of a public agency, whether corporal or by means of electronic equipment, to hear, discuss, or act

upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.

History: En. 82-3404 by Sec. 2, Ch. 567, L. 1977; R.C.M. 1947, 82-3404.

**2-3-203. Meetings of public agencies to be open to public — exceptions.** (1) All meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds shall be open to the public.

(2) Provided, however, the presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting shall be open.

(3) However, a meeting may be closed to discuss a strategy to be followed with respect to collective bargaining or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public agency.

(4) Any committee or subcommittee appointed by a public body for the purpose of conducting business which is within the jurisdiction of that agency shall be subject to the requirements of this section.

History: En. Sec. 2, Ch. 159, L. 1963; amd. Sec. 1, Ch. 474, L. 1975; amd. Sec. 1, Ch. 567, L. 1977; R.C.M. 1947, 82-3402; amd. Sec. 1, Ch. 380, L. 1979.

**Cross-References**

Right of public to observe deliberations of all public bodies, Art. II, sec. 9, Mont. Const.

Right of individual privacy, Art. II, sec. 10, Mont. Const.

Notice of agency action required, 2-3-103.

Deliberations of medical malpractice panel to be secret, 27-6-603.

Criminal penalty for closed meeting — official misconduct, 45-7-401.

**2-3-204 through 2-3-210 reserved.**

**2-3-211. Recording.** Accredited press representatives may not be excluded from any open meeting under this part and may not be prohibited from taking photographs, televising, or recording such meetings. The presiding officer may assure that such activities do not interfere with the conduct of the meeting.

History: En. 82-3405 by Sec. 4, Ch. 567, L. 1977; R.C.M. 1947, 82-3405.

**2-3-212. Minutes of meetings — public inspection.** (1) Appropriate minutes of all meetings required by 2-3-203 to be open shall be kept and shall be available for inspection by the public.

(2) Such minutes shall include without limitation:

- (a) date, time, and place of meeting;
- (b) a list of the individual members of the public body, agency, or organization in attendance;
- (c) the substance of all matters proposed, discussed, or decided; and
- (d) at the request of any member, a record by individual members of any votes taken.

History: En. Sec. 3, Ch. 159, L. 1963; amd. Sec. 3, Ch. 567, L. 1977; R.C.M. 1947, 82-3403.

**Cross-References**

Citizens entitled to inspect and copy records, 2-6-102.

Records open to public inspection, 2-6-104.

**2-3-213. Voidability.** Any decision made in violation of 2-3-203 may be declared void by a district court having jurisdiction. A suit to void any such decision must be commenced within 30 days of the decision.

History: En. 82-3406 by Sec. 5, Ch. 567, L. 1977; R.C.M. 1947, 82-3406.

**2-3-214 through 2-3-220 reserved.**

**2-3-221. Costs to plaintiff in certain actions to enforce constitutional right to know.** A plaintiff who prevails in an action brought in district court to enforce his rights under Article II, section 9, of the Montana constitution may be awarded his costs and reasonable attorneys' fees.

History: En. 93-8632 by Sec. 1, Ch. 493, L. 1975; R.C.M. 1947, 93-8632.

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**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

**TITLE: EXPLANATION ON JOINT  
STUDIES & COOPERATION**

**MANUAL TAB: N**

**NUMBER OF PAGES: 3**

**DATE: November 1984**

**PREPARED BY:** Lee Heiman,  
Staff Attorney,  
Legal Services  
Division,  
Legislative Council,  
Helena, Montana

LEGAL REVIEW OF JOINT STUDIES AND COOPERATION  
AMONG STUDY COMMISSIONS

1. Nature of Study Commissions. Each Study Commission is a separate and independent body. The members are elected by the electors of a separate local government and are expected to study that local government and issue a report on whether it should be altered or not. There is no mention of "joint study commissions", only "joint studies" in the laws relating to Study Commissions.

2. Joint Studies Distinguished From Cooperation. Study Commissions may conduct joint studies and they may cooperate with one another. In this discussion, a joint study is a formal cooperative arrangement where all participating Study Commissions plan for a common recommendation for a new plan of government, such as county-municipal consolidation. Cooperation among Study Commissions generally denotes something other than a goal of a single plan approved by all participating Commissions, such as occasional meetings together, sharing of administrative costs, or other functions not relating to a common form of proposed government. A Study Commission may engage in both joint studies and cooperation.

3. Joint Studies.

a. Statutory Authority. Section 7-3-180, MCA, (see pages D3 and D4) establishes the authority for Study Commissions to cooperate. It provides that two or more Commissions may enter into a formal agreement to conduct a joint study by a majority vote by each of the affected Commissions.

c. Required Joint Study -- County Municipal Consolidation. A joint study is necessary when county-municipal consolidation is proposed. Section 7-3-1101, MCA (pages K26 and K27), requires that the local governments that are being proposed for consolidation must be represented by their Study Commissions. Subsection (2) of this section requires that "... [t]he affected study commissions submitting a consolidated form shall issue a single joint report and proposal." Subsection (3) further provides that each Study Commission must approve the consolidation plan by a majority vote.

d. Joint Rules. If Commissions conduct a joint study they should make their rules functionally identical under the provisions of 7-3-181, MCA, (page D4). The rules of each Commission should include a rule allowing the formation of joint rules, but care should be used to preserve the identity of each Commission.

3. Cooperation. Study Commissions may cooperate with other on various matters, either formally or informally, on any matter they consider appropriate.

a. Statutory Authority. Section 7-3-183, MCA (page D4), provides that a Study Commission may contract with and cooperate with other agencies, public or private, as it considers necessary for carrying out its purpose.

b. Types of Cooperation. There may be several levels of cooperation by Study Commissions:

A. Informal Meetings Together. Each separate Study Commission meeting at the same time to hear the same witness or to discuss plans among themselves. Although the Commissions are in the same room at the same time, there is

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no intention of cooperating on the final results of their studies. Both Commissions voted separately to meet at the same time and they should have arranged some ground rules ahead of time for the conduct of the meeting.

B. Partial Coordinated Study. Two or more Commissions have come to a realization that there is a common problem that needs addressing, but there are special concerns of each that don't affect the other. They may meet on occasion to hear witnesses and to discuss their problem and then vote separately on the common feature of their reports. The Commissions may find it helpful to formalize this cooperation with an agreement even though a true joint study is not being conducted.

C. Administrative Expenses. The Commissions may decide to share in administrative costs which may include having a common staff (each Commission paying a portion of their salaries), jointly hiring consultants, and other functions where economy of scale may provide better studies. In such instances there should be a formal agreement or contract between Commissions to clearly delineate their financial and supervisory roles.

Lee Heiman, Staff Attorney  
Montana Legislative Council  
November, 1984

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**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

**TITLE:** QUICK REFERENCE CHART  
ON LOCAL GOVERNMENT  
RESPONSIBILITIES  
IN SUPPORT OF  
STUDY COMMISSIONS

**PQ**

MANUAL TAB: O  
NUMBER OF PAGES: 1 (see reverse)  
DATE: November 15, 1984  
PREPARED BY: John Evans and  
Marie McAlear under contract  
with the Lt. Governor's Office

## LOCAL GOVERNMENT RESPONSIBILITIES IN SUPPORT OF STUDY COMMISSIONS

<p><b>I. STUDY COMMISSION MEMBERSHIP</b></p> <ul style="list-style-type: none"> <li><b>A. APPOINTMENT OF STUDY COMMISSIONERS</b> If the number of study commissioners elected is not equal to the number required, the chair of the governing body, with confirmation of the governing body, shall appoint the additional study commissioners within 20 days of the election. No elected official of the local government may be appointed.</li> </ul>	<p><b>III. FINANCES</b></p> <ul style="list-style-type: none"> <li><b>A. APPROPRIATION OF FUNDS</b> Each local government under study shall for each fiscal year the study commission is in existence appropriate the equivalent of at least one mill, and the local government may levy up to one mill in excess of all other levies authorized by law to fund the appropriation for support of the study commission.</li> </ul>
<ul style="list-style-type: none"> <li><b>B. TIE VOTES IN ELECTION OF COMMISSIONERS</b> The governing body of that jurisdiction shall appoint one of the candidates who tied for the office.</li> </ul>	<ul style="list-style-type: none"> <li><b>B. OFFICE AND MEETING SPACE, CLERICAL HELP</b> The local government shall provide office and meeting space and clerical assistance to the study commission. The cost of the clerical assistance and other in-kind services provided by the local government may be used to partially fulfill the appropriation requirement of at least one mill.</li> </ul>
<ul style="list-style-type: none"> <li><b>C. VACANCY APPOINTMENTS</b> Vacancies on the study commission shall be filled by appointment of the governing body.</li> </ul>	<ul style="list-style-type: none"> <li><b>C. ADDITIONAL FUNDS AND ASSISTANCE MAY BE PROVIDED</b> The local government may in its discretion provide additional funds or assistance according to 7-3-184(2)(c)</li> </ul>
<ul style="list-style-type: none"> <li><b>D. LOCAL GOVERNMENT REPRESENTATION ON STUDY COMMISSION</b> Every local study commission shall include, as an ex-officio non voting member, a member of the governing body or an elected official or employee of the local government appointed by the governing body.</li> </ul>	<ul style="list-style-type: none"> <li><b>D. CUSTODY AND DISBURSEMENT OF FUNDS</b> All money received by the study commission shall be deposited with the local government finance administrator. The finance administrator is authorized to disburse appropriated money for the study commission after approval of the budget by the governing body. Unexpended money of the study commission does not revert to the general fund at the end of the fiscal year, but carries over to the study commission's appropriation for the following fiscal year. Upon termination of the study commission, unexpended money reverts to the general fund of the local government.</li> </ul>
<ul style="list-style-type: none"> <li><b>E. LEAVE OF ABSENCE FOR GOVERNMENT OFFICERS AND EMPLOYEES</b> At the request of the study commission and with the consent of the employing agency, state, municipal, and county officials, employees may be granted leave with or without pay from their agencies to serve as consultants to the study commission.</li> </ul>	<ul style="list-style-type: none"> <li><b>IV. ELECTIONS-VOTE ON PROPOSAL</b></li> </ul>
<ul style="list-style-type: none"> <li><b>II. MEETINGS AND INFORMATION</b></li> </ul>	<ul style="list-style-type: none"> <li><b>A. ELECTION ON ALTERNATIVE FORM</b> An alternative plan of government recommended by the study commission must be submitted to the voters at a special election to be held within 120 days of the adoption of the final report. The special election may be held in conjunction with any other regularly scheduled election. Study commissions elected on the general election date in 1986 shall submit a final report allowing for a vote on the recommendation no later than the general election date in 1986.</li> </ul>
<ul style="list-style-type: none"> <li><b>B. INFORMATION TO BE FURNISHED</b> Upon request of the chair of the study commission, state agencies, counties, and other local governments and the officers and employees thereof shall furnish or make available to the commission such information as may be necessary for carrying on the study commission's function.</li> </ul>	<ul style="list-style-type: none"> <li><b>B. COST OF ELECTION</b> The cost of the election shall be paid for by the local government.</li> </ul>

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**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

TITLE: QUICK REFERENCE CHART  
ON BASIC REPORTING  
REQUIREMENTS

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MANUAL TAB: P  
NUMBER OF PAGES: 1 (see reverse)  
DATE: November 15, 1984  
PREPARED BY: Marie McAlear and  
John Evans under contract with  
the Lt. Governor's Office

FORMAL REPORTS  
FROM  
LOCAL GOVERNMENT STUDY COMMISSIONS

MINUTES AND BUDGET REPORTS

The study commission shall maintain a written record of its proceedings and its finances. This record shall be open to inspection by any person at the office of the study commission during regular office hours.

7-3-181 (2)

TENTATIVE REPORT

Each study commission shall formulate, reproduce, and distribute a tentative report, containing the same information required to be in a final report.

7-3-186 (2)(b)

FINAL REPORT

Every study commission shall adopt a final report. Sufficient copies are to be prepared for public distribution. The final report includes certificates describing the existing form, the proposed form, the apportionment for any proposed districts, a comparison of the forms, minority reports if desired, and the dates of the elections (if proposing changes) OR a statement of no change (if proposing no changes). The final report must be available to the electors not later than thirty (30) days prior to the election on the issue if adopting an alternative plan. Copies of the report may be distributed to electors or residents of the local government or governments affected.

7-3-187 through 7-3-189

PUBLICATION OF SUMMARY

Each study commission shall publish once each week for two successive weeks in a newspaper of general circulation throughout the area of the affected local government a summary of its findings and recommendations, together with the address of a convenient public place where the text of its proposal may be obtained. The summary shall contain a comparison of the existing and proposed plans of government.

7-3-191

SUPPLEMENTARY REPORTS

A study commission may prepare separate reports in addition to its final report. These reports may recommend consolidation of services and functions and indicate potential areas for interlocal agreements.

7-3-190

Until updated format is developed, suggestions on preparing a final report can be found in A STUDY COMMISSIONER'S MANUAL: HOW TO WRITE A FINAL REPORT, Local Government Review Bulletin, Volume 3, No. 2, State Commission on Local Government, Montana, January, 1976.

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**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

TITLE: SELECTED BIBLIOGRAPHY

MANUAL TAB: Q  
NUMBER OF PAGES: 4  
DATE: November 27, 1984  
PREPARED BY: Lt. Governor's Office  
with contracted assistance from  
James Lopach, Jean Bowman and  
Marie McAlear.

SELECTED BIBLIOGRAPHY FOR LOCAL GOVERNMENT REVIEW

[Note: Many of these selections are out-of-date and some of questionable availability.]

LOCAL GOVERNMENT, Jerry R. Holloron; Montana Constitutional Convention Studies, No. 16, Montana Constitutional Convention Commission, 1972, 234 pp. This study was prepared prior to the 1972 Constitutional Convention for use by the delegates. It details the history of local government in the nation and highlights strengths and weaknesses of local government in Montana.

MONTANA COUNTIES ON THE MOVE, Jerry R. Holloron; Montana Association of Counties, 1974, 81 pp. This book is a comprehensive description of the organization, functions, and finances of county government in Montana.

RURAL COUNTY GOVERNMENT, Lauren S. McKinsey; State Commission on Local Government, July, 1975, 12 pp. This paper analyzes the plight of Montana's rural counties and discusses various structural solutions to problems.

SMALL TOWN GOVERNMENTS IN MONTANA, James J. Lopach; State Commission on Local Government, July, 1975, 23 pp. This paper discusses the problems facing small towns in Montana and suggests structural changes available under Montana law.

A STATE MANDATES LOCAL GOVERNMENT REVIEW: THE MONTANA EXPERIENCE, Lauren S. McKinsey and James J. Lopach; University of California Institute of Governmental Affairs, 1979, 58 pp. This study relates the entire study of local government review in the 1970's: the constitutional intent, legislative implementation, work of the study commissions, and voter response.

STATE OF MONTANA TAX LEVIES FOR THE FISCAL YEAR, Montana Tax-payers Association; annual levy book.

WE THE PEOPLE OF MONTANA: THE WORKINGS OF A POPULAR GOVERNMENT, James J. Lopach, editor; Mountain Press Publishing Co., 1983, 336 pp. Chapter VII, "Local Government in Montana", is a comprehensive discussion of local governments in the state, including organization, powers, intergovernmental relations and reform movements.

"A Comparative Analysis of Montana Forms of Local Government," Local Government Review Bulletin, Vol. 2, No. 7, State Commission on Local Government (September, 1975), 18 pp. This report is organized so that the executive, legislative, and administrative provisions of each alternative form provided by Montana law can be compared.

"Forms of Local Government: Can Changes Make a Difference?", James J. Lopach and Peter Koehn; Montana Business Quarterly, Vol. 12, No. 3 (Summer, 1974), pp. 5-21. This article discusses typical problems facing Montana local governments and suggests how various alternative forms might be helpful in solving these problems.

HANDBOOK OF MONTANA FORMS OF LOCAL GOVERNMENT, James J. Lopach and Lauren S. McKinsey; University of Montana Bureau of Government Research, July, 1975, 226 pp. This comprehensive study of structural options under Montana local government law includes chapters on the constitutional history of local government review, forms of local government, cooperative arrangements, and charter writing.

SUGGESTED GUIDELINES FOR EVALUATING ALTERNATIVE FORMS OF LOCAL GOVERNMENT AND ASSESSING COMMUNITY NEEDS, Lauren S. McKinsey; Occasional Papers in Local Government, No. 4, Bureau of Government Research, University of Montana, 1975, 32 pp. This paper discusses alternative objectives of local government reform and the relationships between the structural arrangements, the nature of the community and the identification, establishment and achievement of community goals by local government.

WHAT THIS COMMUNITY NEEDS...AN ANTHOLOGY OF ADVOCATES' VIEWS, Lauren S. McKinsey and James J. Lopach, editors; State Commission on Local Government, 1976, 90 pp. This is a collection of arguments for and against adoption of the various forms and structural options provided by Montana law. Authors include elected government officials.

CHARTER WRITING: A CITIZEN'S GUIDE, James J. Lopach; Cooperative Extension Service, May 1975, 10 pp. This booklet explains the nature of charter writing, the work of a charter commission, and gives examples of what a local government charter in Montana might contain.

A GUIDE FOR CHARTER COMMISSIONS, National Municipal League, 1972. This booklet is a guide for all aspects of charter writing, including small group dynamics, work plan, and need for professional advice.

CITY-COUNTY CONSOLIDATION, Lauren S. McKinsey and James J. Lopach; State Commission on Local Government, July, 1975, 21 pp. This paper presents reasons why city-county consolidation may be a solution for problems facing some cities and counties in Montana.

"City-County Merger Attempts: The Role of Political Factors," Sharon Perlman Krefetz and Alan B. Sharff; National Civic Review, Vol. 66, No. 4 (April, 1977), pp. 175-181. This article discusses briefly some reasons why city-county consolidation proposals are either accepted or rejected by voters, including the possibility of increased taxes, the role of political leaders, etc.

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"The Politics of City-County Consolidation," Vincent L. Marando; National Civic Review, Vol. 64, No. 2 (February, 1975), pp. 76-81. This article discusses some of the political reasons why consolidation reform measures often fail.

"A Century of Home Rule," William N. Cassella, Jr.; National Civic Review, Vol. 64, No. 9 (October, 1975), pp. 441-450. This article details the history of the American home rule movement and gives the strengths and weaknesses of the various approaches to home rule.

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HOME RULE IN MONTANA, Dale A. Harris; State Commission on Local Government, 1977, 26 pp. This paper describes the increased flexibility available to Montana local governments which adopt self-government powers.

SELF-GOVERNMENT POWERS: A CITIZEN'S GUIDE, James J. Lopach and Peter Koehn, editors; Cooperative Extension Service, August, 1975, 21 pp. This booklet contains nine articles by Montana citizens and government officials concerning the nature of self-government powers and their advantages and disadvantages for Montana communities.

A STUDY COMMISSIONERS MANUAL: HOW TO WRITE A FINAL REPORT, James J. Lopach; Local Government Review Bulletin, Vol. 3, No. 2 (January, 1976), 58 pp. This booklet contains detailed directions to develop the tentative and final reports.

LOCAL GOVERNMENTS IN TRANSITION, James J. Lopach; Occasional Papers in Local Government, No. 12, Bureau of Government Research, University of Montana, October, 1976, 28 pp. This booklet describes the roles of the study commission, the current local government administrators and officials.

STUDY COMMISSIONERS MANUAL: ELECTRONIC MEDIA AND VOTER INFORMATION, Don Oylear; April 1976, Bureau of Government Research, University of Montana. This booklet gives helpful advice concerning media, including techniques which a study commission can use to make its message to the voters clearer and more effective.

THE VOTERS CHOOSE: A MANUAL FOR TAKING VOTER REVIEW PROPOSALS TO LOCAL COMMUNITIES, Lauren S. McKinsey; Occasional Papers in Local Government, No. 10, Bureau of Government Research, University of Montana, April, 1976, 36 pp.

DIRECTORY OF LOCAL GOVERNMENT STUDY COMMISSIONERS, State Commission on Local Government, February, 1975, 19 pp. This list may be useful in identifying resource people.

"Final Report on the Work of the Montana State Commission on Local Government, 1974-1977," Dale A. Harris; Local Government Review Bulletin, Vol. 4, No. 8, State Commission on Local Government (June, 1977), 50 pp. This is a summary of the work done to implement the local government articles of the 1972 Montana Constitution. It includes a bibliography of major publications of the State Commission and the local government review election results.

"Local Government Reform by Referendum: Lessons from Montana's Voter Review Experience," James J. Lopach and Lauren S. McKinsey; State and Local Government Review, Vol. 11, No. 1 (January, 1979), pp. 35-39. This article analyzes study commission proposals and referenda results from the perspective of different kinds of localities and comments on the difficulty of achieving local government change by referendum.

"Montana Local Government Review: How It's Shaping Up," James J. Lopach and Lauren S. McKinsey; National Civic Review, Vol. 64, No. 8 (September, 1975), pp. 393-400. This article explains to a national audience the source, procedures, and opportunities of Montana's local government review.

"Montana Local Government Review: In the Home Stretch," Lauren S. McKinsey and James J. Lopach; National Civic Review, Vol. 65, No. 8 (September, 1976), pp. 384-390. This article summarizes for a national audience the contents of study commissions' final proposals and early referendum results.

"Montana Local Government Review: Reflections on Process and Product," James J. Lopach and Lauren S. McKinsey; National Civic Review, Vol. 66, No. 7 (July, 1977), pp. 339-346. This article summarizes for a national audience the results of the local government review referenda and evaluates the significance of the local government review process.

MONTANA LOCAL GOVERNMENT REVIEW: ANALYSIS AND SUMMARY, James J. Lopach and Peter Koehn; University of Montana Bureau of Government Research, 1977, 152 pp. This report on the local government review process of the 1970's analyzes study commission proposals and referenda results. An appendix contains summaries of the final proposal of each study commission.

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MORE IN-DEPTH BIBLIOGRAPHIES APPEAR IN:

"Summary of the Montana Voter Review Process," State Commission on Local Government, Local Government Review Bulletin, Vol. 4, No. 5 (May, 1977), pp 21-28.

WORKING BIBLIOGRAPHY FOR MONTANA LOCAL GOVERNMENT STUDY COMMISSIONERS, Art Weydemeyer; Occasional Papers in Local Government, No. 7, Bureau of Government Research, University of Montana, June, 1975.

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Note: The list that follows  
is based on information as of  
September 1, 1985. The list is  
incomplete; and since members  
continue to change, there will  
be inaccuracies.

**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

TITLE: Names/Address of Study  
Commissioners

MANUAL TAB: B  
NUMBER OF PAGES: 18  
DATE:  
PREPARED BY: Staff, Montana  
Association of Counties

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**COUNTY OF BEAVERHEAD - 3 COMMISSIONERS ELECTED**

SARAH "SALLY" MALESICH, 9575 HIGHWAY 41, DILLON 59725 PHONE: 683-2012  
BILL TASH, 1200 HIGHWAY 278, DILLON 59725 PHONE: 683-2408  
MICHAEL JOHNSON, 1300 HIGHWAY 91 N., BOX 581, DILLON 59725 PHONE: 683-5232  
EX-OFFICIO MARGARET THOMPSON, 951 E. CENTER, DILLON 59725 PHONE: 683-2127

**CITY OF BILLON - BEAVERHEAD COUNTY - A COMMISSIONERS ELECTED**

COUNTY OF BIG HORN - 3 COMMISSIONERS ELECTED

**CITY OF HARRIN - BIG HORN COUNTY - 3 COMMISSIONERS ELECTED**

SANDRA J. BRECKENRIDGE, 730 SOUTH 1ST, HARDIN 59034	PHONE: 665-2550
TERRY BULLIS, 907 NORTH CROW, HARDIN 59034	PHONE: 665-1956
BARBARA C. DARE, 25 WEST 3RD, HARDIN 59034	PHONE: 665-2394
EX-OFFICIO JIM SVAREN, 426 WEST 7TH, HARDIN 59034	PHONE: 665-1568

CITY OF LODGE GRASS - BIG HORN COUNTY - 3 COMMISSIONERS ELECTED

**COUNTY OF BLAINE - 3 COMMISSIONERS ELECTED**

WILLIAM R. AMMEND, RTE. 1, BOX 14, TURNER 59542  
ERNEST S. JOHNSON, RTE 1, BOX 43, CHINOOK 59523  
VICTOR J. MILLER, P. O. BOX 663, HARLEM 59526  
EX-OFFICIO MERLE THORSTAD, RT 73, BOX 1, LLOYD 59535

PHONE: 379-2612  
PHONE: 357-4182  
PHONE: 353-2819  
PHONE: 357-4127

**CITY OF CHINOOK, BLAINE COUNTY - 2 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED**

AS OF SEPTEMBER 9, 1985

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**COUNTY OF BROADWATER - 3 COMMISSIONERS ELECTED**

DOUGLAS P. CHRISTIE, R. R. 1, BOX 95, TOWNSEND 59644	PHONE: 266-3585
TED FLYNN, R. R. 1, BOX 29B, TOWNSEND 59644	PHONE: 266-3612
FRANKLIN SLIFKA, BOX 63, TOSTON 59644	PHONE: 266-3575
EX-OFFICIO WILLIAM DUEDE, P. O. BOX 56, TOWNSEND 59644	PHONE: 266-3870

**CITY OF TOWNSEND, BROADWATER COUNTY - 2 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED**

VINCENT BARRY BURNS, P. O. BOX 882, TOWNSEND 59644	PHONE: 266-3060
BRADFORD WILLIAMS, P. O. BOX 985, TOWNSEND 59644	PHONE: 266-3024
MARY LOU MEYER, BOX 383, TOWNSEND 59644	PHONE: 266-3763
EX-OFFICIO PHYLLIS NEWMAN, BOX 293, TOWNSEND 59644	PHONE: 266-4218

---

**COUNTY OF CARBON - 3 COMMISSIONERS ELECTED**

SHIRLEY M. LABER, R1, BOX 1213, BRIDGER 59014	PHONE: 662-3696 (HOME) 446-1440 (OFFICE)
ROBERT G. PITCHER, BOX 1148, RED LODGE 59068	PHONE: 446-2859 (HOME) 446-2630 (OFFICE)
ERNIE STRUM, BOX 957, RED LODGE 59068	PHONE: 446-2514 (HOME) 446-2123 (OFFICE)
EX-OFFICIO EDRIE VINSON, BOX 1651, RED LOGDE	PHONE: 446-3312 (HOME) 446-3157 (OFFICE)

**TOWN OF BRIDGER, CARBON COUNTY - 2 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED**

ROBERT E. LITTLE, P. O. BOX 246, BRIDGER 59014	PHONE: 662-3427
JIM ANDERSEN, 321 SOUTH THIRD, BRIDGER 59014	PHONE: 662-3541
DON R. CANDLIN, P. O. BOX 127, BRIDGER 59014	PHONE: 662-3548
EX-OFFICIO LARRY HENNINGS, BOX 577, BRIDGER 59014	PHONE: 662-3681

**CITY OF FROMBERG, CARBON COUNTY - 5 COMMISSIONERS**

ALVIN (TIM) GEORGE, BOX 174, FROMBERG 59029	PHONE: 668-7490
KAREN PETERS, P. O. BOX 2, FROMBERG 59029	PHONE: 668-7418
RICHARD ALBERTA JR., BOX 206, FROMBERG 59029	PHONE: 668-7378
TONY BRILZ, BOX 252, FROMBERG 59029	PHONE: 668-7353
ROBERT EWALD, BOX 332, FROMBERG 59029	PHONE: 668-7752
EX-OFFICIO TOM KNUTSON, BOX 225, FROMBERT 59029	PHONE: 668-7358

**CITY OF RED LODGE, CARBON COUNTY - 3 COMMISSIONERS ELECTED**

LYNETTE COLEMAN, DRAWER M, RED LODGE 59068	PHONE: 446-1420 (HOME) 446-1228 (OFFICE)
JANET L. DUNN, P. O. BOX 1738, RED LODGE 59068	PHONE: 446-3430
DORIS M. LOCHRIDGE, P. O. BOX 128, RED LODGE 59068	PHONE: 446-2063
EX-OFFICIO WM R. EVANS, BOX 383 RED LODGE 59068	PHONE: 446-3249

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**CITY OF EKALAKA, CARTER COUNTY - 3 COMMISSIONERS ELECTED**

MELODY A. LOKEN, P. O. BOX 95, EKALAKA 59324	PHONE: 775-6733
PAULINE TOOKE, BOX 367, EKALAKA 59324	PHONE: 775-6234
LUCILE M. VENHAUS, BOX 364, EKALAKA 59324	PHONE: 775-6427
EX-OFFICIO ALYOE KUEHN, BOX 338, EKALAKA 59324	PHONE: 775-6646

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**COUNTY OF CASCADE - 5 COMMISSIONERS ELECTED**

SUSAN RICE QUINN, 1003 3RD AVENUE N, G. FALLS 59401	PHONE: 761-5995
JOAN BENNETT, 315 - 27ST. SO. GREAT FALLS 59405	WORK PHONE: 453-4311
R.K. (BOB) HAFFNER, 1700 MOUNTAIN VIEW DR, G. FALLS 59405	PHONE: 452-6933
LARRY STRIZICH, 1510 COLORADO AV., BLACK EAGLE 59414	PHONE: 761-4890
SANDRA K. WATTS, 312-4ST. NO., GREAT FALLS 59401	PHONE: 453-1547
EX-OFFICIO PATRICK RYAN, 3035 8TH AVE. SO. G. FALLS 59405	PHONE: 727-2545
	PHONE: 761-9667

**CITY OF BELT, CASCADE COUNTY - 3 COMMISSIONERS ELECTED**

JAN F. CAHILL, P.O.BOX 181, BELT 59412	PHONE: 277-4431
KATHY E. RYAN, BOX 1032, BELT 59412	PHONE: 277-4163
EARL KENNEDY, BELT 59412	PHONE: 227-3366
EX-OFFICIO RUSSELL ZANTO, BOX 367, BELT 59412	PHONE: 227-3364

**CITY OF CASCADE, CASCADE COUNTY - 3 COMMISSIONERS ELECTED**

GARY PRINZING, 130 - 1 ST SOUTH (BOX 637), CASCADE 59421	PHONE: 468-2686
HELEN G. WAREHIME, 13 - 3 ST. NO.(BOX 237), CASCADE 59421	PHONE: 468-2597
ANNA E.(JEAN) DUERR, 355-1ST NO. (BOX 86), CASCADE 59421	PHONE: 468-2264
EX-OFFICIO LINDA PEIPER, 129 4TH AVENUE S. CASCADE 59421	PHONE: 468-2637

**CITY OF GREAT FALLS, CASCADE COUNTY - 7 COMMISSIONERS ELECTED**

JIM DURKIN, 326 - 14 AVE.SO., #8, GREAT FALLS 59405	PHONE: 452-4731
TURNER C. GRAYBILL, 407 RIVERVIEW COURT, GREAT FALLS 59404	PHONE: 452-0821
PAUL A. JOHNSON, 909 DURANGO, GREAT FALLS 59404	PHONE: 453-8805
JERRY J. McGIVERN, 2026 - 5 AVE. SW., GREAT FALLS 59404	PHONE: 452-7811
OWEN ROBINSON, 1029 17TH AVE. SW, GREAT FALLS 59404	PHONE: 454-1063
PATTI HEUSEL SMITH, 4300 - 2 AVE. N., GREAT FALLS 59405	PHONE: 453-9305
DELMONT C. THURBER, 3815 - 5 AVE. S., G. FALLS 59405	PHONE: 452-0791
EX-OFFICIO ARDI AIKEN, 3443 14 AVENUE S., G. FALLS 59405	PHONE: 452-2974

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**CITY OF BIG SANDY, CHOUTEAU COUNTY - 1 COMMISSIONER ELECTED**

CHUCK SIMPSON, BIG SANDY 59520	PHONE: 378-2363
2. UNFILLED	
3. UNFILLED	
EX-OFFICIO	

AS OF SEPTEMBER 9, 1985

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**CITY OF GERALDINE, CHOUTEAU COUNTY - 3 COMMISSIONERS**

BRUCE CLARK, GERALDINE 59446	PHONE: 737-4214
LEONARD THORESON, GERALDINE 59446	PHONE: 737-4252
CLIFFORD SCRIBNER, GERALDINE 59446	PHONE: 737-4402
EX-OFFICIO DOROTHY COATES, BOX 231, GERALDINE 59446	PHONE: 737-4426

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**COUNTY OF CUSTER - 5 COMMISSIONERS ELECTED**

FRED ANDERSON, 1417 PLEASANT, MILES CITY 59301	PHONE: 232-2712
C. R. BARTHOLOMEW, ROUTE 1, BOX 2592, MILES CITY 59301	PHONE: 232-1031
HUGO MUGGLI, TONGUE RIVER STAGE, MILES CITY 59301	PHONE: 232-5578
CHERI HELLAND, P. O. BOX 1011, MILES CITY, 59301	PHONE: 232-6596
H. B. "BROWNIE" VIALL, KINSEY ROUTE, MILES CITY 59301	PHONE: 232-4834
EX-OFFICIO SALLY R. BOONE, 1010 MAIN, M. CITY 59301	PHONE: 232-7800 EXT.48

**CITY OF MILES CITY, CUSTER COUNTY - 5 COMMISSIONERS ELECTED**

JOHN R. TOOKE, 704 SOUTH CUSTER, MILES CITY 59301	PHONE: 232-6575
RONALD E. GERSACK, 602 S. PRAIRIE, MILES CITY 59301	PHONE: 232-6018
MARTIN E. LAWRENZ, 818 SOUTH CUSTER, MILES CITY 59301	PHONE: 232-5673
PAUL A. BERGMAN, 1612 TOMPY, MILES CITY 59301	PHONE: 232-6778
JANET R. KELLY, 602 SOUTH STREVELL, MILES CITY 59301	PHONE: 232-1737
EX-OFFICIO LEOTA HENRICK, 718 N. 6TH STREET, M. CITY 59301	PHONE: 232-4134

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**CITY OF GLENDALE, DAWSON COUNTY - 1 COMMISSIONERS ELECTED  
2 COMMISSIONERS APPOINTED**

JOHN H. JOHNSON, 124 GRESHAM, GLENDALE 59330	PHONE: 365-2982
CLIFF HARMALA, 1011 NORTH RIVER AVENUE, GLENDALE 59330	PHONE: 365-4422
LOUIS CROSS, 1010 EAST AMES WAY, GLENDALE 59330	PHONE: 365-4123
EX-OFFICIO JACK GARCIA, 418 SEGUNDUN, GLENDALE 59330	PHONE: 365-4731

**CITY OF RICHEY, DAWSON COUNTY - 1 COMMISSIONER ELECTED**

**GLEN A. WILLIAMS**

**NO COMMISSION ORGANIZED**

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COUNTY OF DEER LODGE/ANACONDA - 5 COMMISSIONERS ELECTED

VAL "BUZZ" GALLE, 2210 LOST CREEK ROAD, ANACONDA 59711	PHONE: 563-6096
SHEILA MESSER, 514 PINE STREET, ANACONDA 59711	PHONE: 563-6021
JANE QUANE ANDERSON, 605 E. FRONT ST., ANACONDA 59711	PHONE: 563-2861
DEAN BEALL, 1918 TAMMANY, ANACONDA 59711	PHONE: 563-3805
MIKE FINNEGAR, 3211 HIGHWAY 10-A, ANACONDA 59711	PHONE: 563-2847
EX-OFFICIO TONY LASLOVICH, 112 MOUNTAIN VIEW, ANACONDA	PHONE: 563-2931

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CITY OF BAKER, FALLON COUNTY - 3 COMMISSIONERS ELECTED

C. BERNARD HEISER, BOX 468, BAKER 59313	PHONE: 778-2435
CORA MOSER, P. O. BOX 1026, BAKER 59313	PHONE: 778-3470
JAMES STARK, BOX 464, BAKER 59313	PHONE: 778-3600
EX-OFFICIO CLARENCE SCHELL, BOX 918, BAKER 59313	PHONE: 778-3816/3391

CITY OF PLEVNA, FALLON COUNTY - 3 COMMISSIONERS ELECTED

JESSE SCHELL, BOX 113, PLEVNA 59344	PHONE: 772-5570
GENE VENNES, BOX 131, PLEVNA 59344	PHONE: 772-5725
NORMAN PANASUK, BOX 27, PLEVNA 59344	PHONE: 772-5837
EX-OFFICIO VIVIAN PANASUK, BOX 27, PLEVNA 59344	PHONE: 772-5837

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CITY OF LEWISTOWN, FERGUS COUNTY - 7 COMMISSIONERS - ELECTED

RON BALAS, 1210 WEST MONTANA STREET, LEWISTOWN 59457	PHONE: 538-5259
CAROL FRISBEE, 602 VIRGINIA, LEWISTOWN 59457	PHONE: 538-9603
MARJORY J. KELLER, 924 WEST WATSON, LEWISTOWN 59457	PHONE: 538-8295
MICHAEL MCKENNA, 104 2ND ST. N.W., LEWISTOWN 59457	PHONE: 538-7749
DUSTIN M. ROLFNES, 113 HAWTHORNE AV., LEWISTOWN 59457	PHONE: 538-9420
STEPHEN M. SUAZO, 308 WEST WASHINGTON, LEWISTOWN 59457	PHONE: 538-5166
CHARLES CEROVSKI, 204 1ST AVENUE NORTH, LEWISTOWN 59457	PHONE: 538-5750
EX-OFFICIO ROBERT BRASSEY, 710 W. WATSON ST., LEWISTOWN	PHONE: 538-5831

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COUNTY OF FLATHEAD - 7 COMMISSIONERS ELECTED

H.W.C. "DOC" NEWBERRY, 1465 HIGHWAY 35, KALISPELL 59901	PHONE: 752-3666
GARY R. ELLIOTT, P. O. BOX 756, WHITEFISH 59937	PHONE: 862-7048
BECKY SAUNDERS, 121 CENTRAL AVENUE, WHITEFISH 59937	PHONE: 862-4863
ED GROGAN, 130 HEUTH LANE, WHITEFISH 59937	PHONE: 862-5686
VERA JEAN HECKATHORN, P. O. BOX 496, WHITEFISH 59937	PHONE: 862-2159
JANE G. OTTEN, 695 ECHO LAKE ROAD, BIGFORK 59911	PHONE: 837-6135
WILLIAM D. BRIDWELL, 1032 THREE MILE DR., KALISPELL 59901	PHONE: 755-4090
EX-OFFICIO KEN KRUEGER, 800 SOUTH MAIN, KALISPELL 59901	PHONE: 755-5300



CITY OF COLUMBIA FALLS, FLATHEAD COUNTY - 2 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED

MARY MOE, 1504 COLUMBIA DRIVE, COLUMBIA FALLS 59913 PHONE: 892-4287  
SUSAN GORDON, 922 4TH AVENUE W., COLUMBIA FALLS 59913 PHONE: 892-5837  
JAMES BAKER,  
EX-OFFICIO BOB WALTMIRE, 411 2ND AVE. E., COLUMBIA FALLS PHONE: 892-5546

**CITY OF KALISPELL, FLATHEAD COUNTY - 3 COMMISSIONERS ELECTED**

JIM ATKINSON, 503 5TH AVENUE EAST, KALISPELL 59901 PHONE: 257-2087  
MRS. FRANCIS McALLISTER, 326 6TH AVE. E., KALISPELL 59901 PHONE: 755-2790  
FRANCIS T. O'BOYLE, 161 5TH AVE. WN, KALISPELL 59901 PHONE: 257-3341  
EX-OFFICIO SANDY SCHINDLER, 244 4TH AVE. E., KALISPELL PHONE: 755-3972

**CITY OF WHITEFISH, FLATHEAD COUNTY - 5 COMMISSIONERS ELECTED**

PATRICIA L. JARVI, P. O. BOX 990, WHITEFISH 59937	PHONE: 862-3650
LARID MAXWELL, 25 WASHINGTON, WHITEFISH 59937	PHONE: 862-6120
DON K. McCONNELL, 530 PARKWAY AVENUE, WHITEFISH 59937	PHONE: 862-3071
JERRY E. HANSON, BOX 1214, WHITEFISH 59937	PHONE: 862-4612
GREG BRYAN, BOX 1413, WHITEFISH 59937	PHONE: 862-5962
EX-OFFICIO JACK ARNOLD, P. O. BOX 158, WHITEFISH 59937	PHONE: 862-2640

**COUNTY OF GALLATIN - 5 COMMISSIONERS ELECTED**

VERNON WESTLAKE, 3186 LOVE LANE, BOZEMAN 59715	PHONE: 388-4380
BARBARA PAUGH, 2444 E. VALLEY CENTER RD, BOZEMAN 59715	PHONE: 388-4836
MIKE WARD, 416 E. STORY, BOZEMAN 59715	PHONE: 587-8569
ELSIE TOWNSEND, 1469 YADON ROAD, MANHATTAN 59741	PHONE: 284-6667
JAMES W. STOREY, 9969 RIVER ROAD, BOZEMAN 59715	PHONE: 586-2812
EX-OFFICIO MARION HOLLOWBACK, 1102 S. WILLSON, BOZEMAN	PHONE: 587-7947

**CITY OF BELGRADE. GALLATIN COUNTY - 5 COMMISSIONERS ELECTED**

RICHARD D. LINDBURG, P.O. BOX 740, BELGRADE 59714	PHONE: 388-4819
CURTIS J. BACKLIN, P. O. BOX 444, BELGRADE 59714	PHONE: 388-1666
LAVON E. CARTER, P. O. BOX 595, BELGRADE 59714	PHONE: 388-6023
WILLIAM H. CASTO, P. O. BOX 895, BELGRADE 59714	PHONE: 338-6996/1605
ELIZABETH S. McNEAL, P. O. BOX 417, BELGRADE 59714	PHONE: 388-6262/6612
EX-OFFICIO KELLY REIMCHE, BOX 268, BELGRADE 59714	PHONE: 388-4994

**CITY OF BOZEMAN - GALLATIN COUNTY - 5 COMMISSIONERS ELECTED**

BEVERLY H. KNAPP, 1317 S. BLACK, BOZEMAN 59715	PHONE: 587-1554
MICHAEL KENNEDY, 440 N. TRACY, BOZEMAN 59715	PHONE: 587-1077
ROBERT K. JOHNSON, 1606 S. ROUSE, BOZEMAN 59715	PHONE: 587-1406
JAY WILSON, 1233 NORTH 8TH, BOZEMAN 59715	PHONE: 587-8365
JAMES L. GOEHRUNG, 309 S. 10TH, BOZEMAN 59715	PHONE: 587-1821
EX-OFFICIO JUDY MATHRE, 731 S. 12TH, BOZEMAN 59715	PHONE: 587-8666

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CITY OF MANHATTAN, GALLATIN COUNTY - 3 COMMISSIONERS APPOINTED

ELEANOR MEST, BOX 366, MANHATTAN 59741	PHONE: 284-6802
DON STRAGIS, BOX 636, MANHATTAN 59741	PHONE: 284-6553
JIM DERLETH, BOX 261, MANHATTAN 59741	PHONE: 284-6469
EX-OFFICIO ROBERT OLSEN, BOX 523, MANHATTAN 59741	PHONE: 248-6559

CITY OF THREE FORKS, GALLATIN COUNTY - 3 COMMISSIONERS ELECTED

JAMES M. AUGHENY, P.O. BOX 102, THREE FORKS 59752	PHONE: 285-3674
DAVID A. MILLER, P. O. BOX 842, THREE FORKS 59752	PHONE: 285-3412
JON A. HESSEN, P. O. BOX 154, THREE FORKS 59752	PHONE: 285-6615
EX-OFFICIO BECKY THRUSH, P. O. BOX 74, THREE FORKS 59752	PHONE: 285-3819

CITY OF W. YELLOWSTONE, GALLATIN COUNTY - 3 COMMISSIONERS ELECTED

STEVEN BOLTON, P.O. BOX 1114, W. YELLOWSTONE 59758	PHONE: 646-9032
CRAIG MATHEWS, P.O. BOX 1037, W. YELLOWSTONE 59758	PHONE: 646-9365
VINCENT "TOM" YOUNG, 535 FIREHOLE AVE. W. YELLOWSTONE	PHONE: 646-9638
EX-OFFICIO KEVIN DAVID, P. O. BOX 927, W. YELLOWSTONE	PHONE: 646-7874

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COUNTY OF GLACIER - 3 COMMISSIONERS ELECTED

CAROL JUNEAU, BROWNING 59417	PHONE: 338-5689
MARK HAEMIG, 226-9TH AVENUE S.E., CUT BANK 59427	PHONE: 873-4941
BECKY KIMMET, BOX 832, CUT BANK 59427	PHONE: 873-5621
EX-OFFICIO DARRYL ONSBERG, CUT BANK 59427	PHONE: 873-5063 EXT. 39

CITY OF BROWNING, GLACIER COUNTY - 3 COMMISSIONERS APPOINTED

GENE COBELL, BROWNING 59417	PHOHE:
FRED DEROSIER, BROWNING 59417	PHONE:
RANDY JOHNSON, BROWNING 59417	PHONE:
EX-OFFICIO PAUL KINGSON, BROWNING 59417	PHONE:

CITY OF CUT BANK, GLACIER COUNTY - 3 COMMISSIONERS APPOINTED

LLOYD JACOBSON, CUT BANK 59427	PHONE: 873-4889
JOHN BARBER, CUT BANK 59427	PHONE: 873-2201
MIKE BURNS, CUT BANK 59427	PHONE: 873-2121
EX OFFICIO - PHIL CHEETY, CUT BANK 59427	PHOHE: 873-2121

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CITY OF LAVINA, GOLDEN VALLEY COUNTY - 3 COMMISSIONERS ELECTED

CHRISTEN LEE, BOX 211, LAVINA 59046	PHONE: 636-4230
PATRICIA A. PETTIT, BOX 207, LAVINA 59046	PHONE: 636-4341
SHIRLEY DUNWALT, LAVINA 59046	PHONE: 636-2892
EX-OFFICIO GERRY HIGGINS, COURTHOUSE, RYEGATE 59074	PHONE 568-2272

AS OF SEPTEMBER 9, 1985

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COUNTY OF HILL - 3 COMMISSIONERS ELECTED

DANIEL MORSE, ROUTE 1-BOX 8, HAVRE 59501	PHONE: 394-2373
KAY NORENBERG, BOX 165, RUDYARD 59540	PHONE: 355-4106
ARNOLD C. PETERSON, 1220 5TH STREET, HAVRE 59501	PHONE: 265-9567
EX-OFFICIO TONI HAGENER, HILL CO. COURTHOUSE, HAVRE 59501	PHONE: 265-5481

CITY OF HAVRE, HILL COUNTY - 3 COMMISSIONERS ELECTED

JOAN BACHINI, 34 SADDLE BUTTE DRIVE, HAVRE 59501	PHONE: 265-6471
CHARLES J. GALLUS, P. O. BOX 746, HAVRE 59501	WORK PHONE: 265-6796
DOTTI MUELLER, 607 FIRST AVENUE, HAVRE 59501	PHONE: 265-6924
EX-OFFICIO CLAYTON CODDEN, 1603 3RD ST, HAVRE 59501	PHONE: 265-6538

CITY OF HINGHAM, HILL COUNTY - 3 COMMISSIONERS ELECTED

ROBERT W. MCKINLEY, P. O. BOX 172, HINGHAM 59528	PHONE: 397-3127
RON YOUSO, P. O. BOX 21, HINGHAM 59528	PHONE: 397-3114
LARRY HORINEK, P. O. BOX 154, HINGHAM 59528	PHONE: 397-3320
EX-OFFICIO RAY LISS, HINGHAM 58528	PHONE: 397-3213

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COUNTY OF JEFFERSON - 5 COMMISSIONERS ELECTED

CAROLYN LEWIS, STAR RTE., BOULDER 59632	PHONE: 225-4322
W. E. STEVENS, P. O. BOX 609, BOULDER 59632	PHONE: 225-3979
JACK THIEL, P. O. BOX 438, BOULDER 59632	PHONE: 225-3833
EDWARD J. CLARKE, P. O. BOX 314, WHITEHALL 59759	PHONE: 287-3343
K. A. "KIM" HARRIS, P. O. BOX 551, BOULDER 59632	PHONE: 225-4387
EX-OFFICIO CAROLYN T. LEWIS, STAR RT., BOULDER 59632	NO PHONE

CITY OF BOULDER, JEFFERSON COUNTY - 3 COMMISSIONERS - ELECTED

ALAN BROERE, BOX 389, BOULDER 59632	PHONE: 225-3701
LINDA NORDEN, P. O. BOX 642, BOULDER 59432	PHONE: 225-3879
BARBARA KONESKY PATRICK, P. O. BOX 772, BOULDER 59632	PHONE: 225-3701
EX-OFFICIO JAMES HARPER, P. O. BOX 68, BOULDER 59632	PHONE: 225-3381/3890

CITY OF WHITEHALL, JEFFERSON COUNTY - 3 COMMISSIONERS - APPOINTED

MERNA RODWAY, P. O. BOX 269, WHITEHALL 59759	HOME PHONE: 287-5618
	WORK PHONE: 287-5671
AL GRAESSER, P. O. BOX 102, WHITEHALL 59759	PHONE: 287-3458
ROBERT CROWE, P. O. BOX 461, WHITEHALL 59759	PHONE: 287-3429
EX-OFFICIO GAIL GIONO, P. O. BOX 11, WHITEHALL 59759	PHONE: 287-3467

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CITY OF HOBSON, JUDITH BASIN COUNTY - 3 COMMISSIONERS ELECTED

CLYDE GORE, HOBSON 59452	PHONE: 423-5457
RICK MCINTYRE, HOBSON 59452	PHONE: 423-5503
LARRY DENTON, HOBSON 59452	PHONE: 423-5505
EX-OFFICIO W. G. Rafter, JR., HOBSON 59452	PHONE: 423-5425

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CITY OF RONAN, LAKE COUNTY - 5 COMMISSIONERS ELECTED

SHIRLEY ANNE CORDIS, 107 EISENHOWER S.E., RONAN 59863	HOME PHONE: 676-3893
	WORK PHONE: 676-3600
JOHN B. FRENCH, 604 BUCHANAN S.W., RONAN 59863	PHONE: 676-2260
MARILYN TANNER, 622 DAYTON S.W. RONAN 59863	PHONE: 676-2651
JAMES FUHRMANN, BOX 623, RONAN 59864	PHONE: 676-3266
THOMAS S. WALCHUK, BOX 792, RONAN 59864	PHONE: 676-3641
EX-OFFICIO FRANK CIEZ, 412 34D AVE SE., RONAN 59864	PHONE: 676-3831

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LINCOLN COUNTY - 5 COMMISSIONERS ELECTED

DONALD L. BURRELL, P. O. BOX 480, LIBBY 59923	PHONE: NONE
ROBERT R. GRUBER, P. O. BOX 1108, LIBBY 59923	PHONE: 293-9048
RAY E. HEDAHL, RT. 2, BOX 651-A, LIBBY 59923	PHONE: 293-3998
DENNIS SOUTHER, STAR RT. 1, BOX 40, LIBBY 59923	PHONE: 293-8108
GEORGE NEILS, STAR RT. 1, BOX 154, LIBBY 59923	PHONE: NONE
EX-OFFICIO SUSAN LOEHN, 512 CALIFORNIA AVE., LIBBY 59923	PHONE: 889-3530

CITY OF LIBBY, LINCOLN COUNTY - 5 COMMISSIONERS ELECTED

DONALD HOWARD, 408 WEST OAK, LIBBY 59923	PHONE: 293-7219
DANIEL O. LARSON, 110 EAST OAK, LIBBY 59923	PHONE: 293-3304
FRANK NELSON, JR., 720 CALIFORNIA AVENUE, LIBBY 59923	PHONE: 293-5075
FRANCIS PECK, RT. 3, BOX 1451-C, LIBBY 59923	PHONE: 293-5269
GELA RAE KOEHLER, 1302 MONTANA AVENUE, LIBBY 59923	PHONE: 293-5075
EX-OFFICIO GEORGE BAUER, 203 E. SPRUCE, LIBBY 59923	PHONE: 293-3811/6440

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COUNTY OF MADISON - 5 COMMISSIONERS ELECTED

BEVERLY LAKE, RR 2, BOX 234, ENNIS 59729	PHONE: 682-7283
DONALD J. KIRBY, BOX 692, ENNIS 59729	PHONE: 682-7160
DALE M. KELLOGG, BOX 271, VIRGINIA CITY 59755	PHONE: 843-5412
CHESTER LLOYD JONES, BOX 176, ENNIS 59729	PHONE: 682-4393
DOUGLAS ALLEN, BOX 715, SILVER STAR 59751	PHONE: 684-5415
EX-OFFICIO LOREN TUCKER, CO. ATTORNEY, COURTHOUSE, VIRGINIA CITY 59755	PHONE: 843-5464

AS OF SEPTEMBER 9, 1985

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CITY OF ENNIS, MADISON COUNTY - 5 COMMISSIONERS ELECTED

F. J. "JIM" SHIVELY, ENNIS 59729	PHONE: 682-4931
ROY PEDERSON, ENNIS 59729	PHONE: 682-7443
WAYNE BLACK, ENNIS 59729	PHONE: 682-7349
JACK KIRBY, ENNIS 59729	PHONE: 682-4881
DAVID BOWMAN, ENNIS 59729	PHONE: 682-4920
EX-OFFICIO - NEIL KENT, ENNIS 59729	

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CITY OF CIRCLE, MCCONE COUNTY - 3 COMMISSIONERS ELECTED

JOHN SHENNUM, BOX 173, CIRCLE 59215	PHONE: 485-2593
RUANE DUNLAP, BOX 172, CIRCLE 59215	PHONE: 485-
THOMINNA BROWN, BOX 216, CIRCLE 59215	PHONE: 485-2620
EX-OFFICIO WENDELL PAWLOWSKI, BOX 446, CIRCLE 59215	PHONE: 485-3508

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COUNTY OF MEAGHER - 3 COMMISSIONERS

L. EDWARD LYNG, P. O. BOX 781, W. SULPHUR SPRINGS 59645	PHONE: 547-2292
ELMER SCHYE, P. O. BOX 504, W. SULPHUR SPRINGS 59645	PHONE: 547-3537
WILLARD E. VANNETT, P.O. BOX 463, W. SULPHUR SPRINGS 59645	PHONE: 547-2230
EX-OFFICIO JEFF DOGGETT, P.O. BOX 729, W. SULPHUR SPRINGS	PHONE: 547-3471

CITY OF WHITE SULPHUR SPRINGS, MEAGHER COUNTY - 3 COMMISSIONERS

L. EDWARD LYNG, P. O. BOX 781, W. SULPHUR SPRINGS 59645	PHONE: 547-2292
ELMER SCHYE, P. O. BOX 504, W. SULPHUR SPRINGS 59645	PHONE: 547-3537
WILLARD E. VANNETT, P.O. BOX 463, W. SULPHUR SPRINGS 59645	PHONE: 547-2230
EX-OFFICIO TIM BARTH, P. O. BOX 783, W. SULPHUR SPRINGS	PHONE: 547-3556

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CITY OF SUPERIOR, MINERAL COUNTY - 3 COMMISSIONERS ELECTED

JOSEPH B. SPANGLER, BOX 538, SUPERIOR 59872	PHONE: 822-4880
JOHN E. PETERS, BOX 760, SUPERIOR 59872	PHONE: 822-4931
JOHN A. ANDERSON, BOX 325, SUPERIOR 59872	PHONE: 822-4644
EX-OFFICIO EARL ANDERSON, BOX 726, SUPERIOR 59872	PHONE: 822-4672/4273

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CITY OF MELSTONE, MUSSELSHELL COUNTY - 3 COMMISSIONERS APPOINTED

BONITA OPIS, MELSTONE 59054	PHONE: 358-2422
PAUL ZENTNER, MELSTONE 59054	PHONE: 358-2321
PATTY LANG, MELSTONE 59054	PHONE: 358-2432
EX-OFFICIO CLARA MAE SPEK, BOX 7, MELSTONE 59054	PHONE: 358-2301

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CITY OF ROUNDUP, MUSSELSHELL COUNTY - 3 COMMISSIONERS ELECTED

BRUCE H. FRANK, 504 3RD STREET EAST, ROUNDUP, 59072	PHONE: 323-2890
GREG MATTFIELD, 301 5TH STREET WEST, ROUNDUP, 59072	PHONE: 323-2496
E. TONY STEFANI, 1110 2ND STREET WEST, ROUNDUP, 59072	PHONE: 323-3191
EX-OFFICIO JOSEPH VICKERS, 723 1ST EAST, ROUNDUP, 59072	PHONE: 323-1819
	WORK: 323-2102

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COUNTY OF PARK - 5 COMMISSIONERS ELECTED

ROGER CASE, 115 SOUTH YELLOWSTONE, LIVINGSTON 59047	PHONE: 222-0589
URANA CLARKE, 9TH STREET ISLAND, LIVINGSTON 59047	PHONE: 222-0383
NANCY KIRKPATRICK, RTE 85, BOX 4172, LIVINGSTON 59047	PHONE: 222-0283
ALLYN W. O'HAIR, P. O. BOX 955, LIVINGSTON 59047	PHONE: 222-2979
GERALDINE ARTHUN, CLYDE PARK, 59018	PHONE: 686-4756
EX-OFFICIO MIKE FLEMING, 424 S. 6TH, LIVINGSTON 59047	PHONE: 222-1937

CITY OF CLYDE PARK, PARK COUNTY - 3 COMMISSIONERS APPOINTED DISBANDED

RETA MYRSTOL, CLYDE PARK 59068	PHONE: 686-4472
JO WEST, CLYDE PARK 59068	PHONE: 686-4945
MARY SARAZIN, CLYDE PARK 59068	PHONE: 686-4447
DON OBERQUILL, CLYDE PARK 59068	
EX OFFICIO ALICE HARTMAN, CLYDE PARK 59018	PHONE: 686-4988

CITY OF LIVINGSTON, PARK COUNTY - 3 COMMISSIONERS ELECTED

ROBERT GRAY, 725 W. LEWIS, LIVINGSTON 59047	PHONE: 222-1816
ROY KINNE, 328 SOUTH C STREET, LIVINGSTON 59047	PHONE: 222-0395
TOM SHANDS, 515 NORTH E STREET, LIVINGSTON 59047	PHONE: 222-2665
EX-OFFICIO - MARVIN VARNS, 617 BLUE BIRD LANE, LIVINGSTON	PHONE: 222-1051
	WORK: 222-2060

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COUNTY OF PHILLIPS - 3 COMMISSIONERS ELECTED

NEIL WATERS, MALTA 59538	PHONE: 654-1931
WAYNE WATERS, MALTA 59538	PHONE: 654-2362
RIC FLOREN, MALTA 59538	PHONE: 654-2686
EX-OFFICIO LAUREL HINES, BOX 69, WAGNE RT, MALTA 59538	PHONE: 654-2423

CITY OF DODSON, PHILLIPS COUNTY - 3 COMMISSIONERS ELECTED

MIKE DURHAM, DODSON 59524	PHONE: 383-4349
MAL LONGPRE, DODSON 59524	PHONE: 383-4494
WANDA DUROCHER, DODSON 59524	PHONE: 383-4445
EX-OFFICIO ROLAND MANEY, DODSON 59524	PHONE:

AS OF SEPTEMBER 9, 1985

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**CITY OF MALTA, PHILLIPS COUNTY - 3 COMMISSIONERS ELECTED**

MICHAEL TRAYNOR, JR., 550 SO. 2ND ST. E. MALTA 59538	PHONE: 654-2786
GEORGE KNUDSEN, 220 SO. 1ST W., MALTA 59538	PHONE: 654-1224
RICHARD BARNARD, BOX 534, MALTA 59538	PHONE: NONE
EX-OFFICIO KENNETH WIEDERRICK, 115 S. 7TH E., MALTA 59538	PHONE: 654-2245

**CITY OF SACO, PHILLIPS COUNTY - 3 COMMISSIONERS ELECTED**

DICK BROSSEAU, 112 WALNUT, SACO 59261	PHONE: 527-3522
RALPH KORMAN, 119 1ST AVENUE, SACO 59261	PHONE: 527-3406
WILBUR BRYSON, 114 CONANT, SACO 59261	PHONE: 527-3259
EX-OFFICIO IRA HAMMOND, 115 1ST AVE, SACO 59261	PHONE: 527-3216

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**COUNTY OF PONDERA - 3 COMMISSIONERS ELECTED**

PAUL T. LAHR, STAR ROUTE BOX 9, CONRAD 59425	PHONE: 278-3027
TOM MELLOTT, 16 NORTH WISCONSIN, CONRAD 59425	PHONE: 278-5883
BOB SIMONSON, JR., RTE. 3 BOX 312, CONRAD 59425	PHONE: 278-3637
EX-OFFICIO EVERETT ELLIOTT, BOX 1431, CONRAD 59425	PHONE: 278-3543

**CITY OF CONRAD, PONDERA COUNTY - 5 COMMISSIONERS ELECTED**

KIMBERLY A. BAUMANN, 923 1ST AVENUE N.W., CONRAD 59425	PHONE: 278-5624
DALE S. FARRELL, 306 S. WISCONSIN, CONRAD 59425	PHONE: 278-5316
BRIAN HARRISON, 218 SOUTH MARYLAND #15, CONRAD 59425	PHONE: 278-5341
JOHN MARINELLI, 518 S. VIRGINIA, CONRAD 59425	PHONE: 278-5268
GRAYDON D. MOLL, 13 N. VIRGINIA, CONRAD 59425	PHONE: 278-5345
EX-OFFICIO DON McCLAINE, BOX 802, CONRAD 59425	PHONE: 278-5602

**CITY OF VALIER, PONDERA COUNTY - 3 COMMISSIONERS APPOINTED**

RICHARD SIROKMAN, VALIER 59486	PHONE: 279-3238
CLAYTON BRIDEN, VALIER 59486	PHONE: 279-3236
MARGARET HODGSON, VALIER 59486	PHONE: 279-3372
EX-OFFICIO JIM NELSON, VALIER 59486	PHONE: 279-3251/3689

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**CITY OF DEER LODGE, POWELL COUNTY - 3 COMMISSIONERS ELECTED**

JUNE GETCHELL, 806 ST. MARY'S, DEER LODGE 59722	PHONE: 846-2117
SUSAN MASAR, 817 MISSOURI AVENUE, DEER LODGE 59722	PHONE: 846-2057
LOUIS ETHEREDGE, 618 KENTUCKY, DEER LODGE 59722	PHONE: 846-2032
EX-OFFICIO HAROLD ERICKSON, 911 MIL ST, DEER LODGE 59722	PHONE: 846-2671



**CITY OF HAMILTON, RAVALLI COUNTY - 5 COMMISSIONERS ELECTED**

JOHN G. EDMONDS, 124 N. 8TH, HAMILTON 59840	PHONE: 363-1397
MELVIN MONSON, 509 S. 2ND, HAMILTON 59840	PHONE: 363-3536
BETH MILLER, 905 S. 2ND, HAMILTON 59840	PHONE: 363-2111
JANET (JAN) PALANIUK, 410 N. 10TH APT 11, HAMILTON 59840	PHONE: 363-5385
JIM PARKER, 212 S. 3RD, HAMILTON 59840	PHONE: 363-2158
EX-OFFICIO JAMES WHITLOCK, 509 S. 3RD, HAMILTON 59840	PHONE: 353-1363

**CITY OF STEVENSVILLE, RAVALLI COUNTY - 3 COMMISSIONERS ELECTED**

JAMES R. TESLOW, 102 PETERSIN PL., STEVENSVILLE 59870	PHONE: 777-3836
JOHN VERBURG, 310 8TH ST., STEVENSVILLE 59870	PHONE: 777-3879
BRUCE NELSON, 403 COLLEGE ST., STEVENSVILLE 59870	PHONE: 777-2369
EX-OFFICIO ANNE LANGE, 515 MAIN, STEVENSVILLE 59870	PHONE: 777-3611

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**COUNTY OF RICHLAND - 3 COMMISSIONERS ELECTED**

ROD T. JOHNSON, P. O. BOX 52, CRANE 59217	PHONE: 482-4614
GARY A. SHAW, STAR RT. BOX 21 E, LAMBERT 59243	PHONE: 774-3702
KARLON S. SCHMITT, 222 4TH AVENUE N.E., SIDNEY 59270	PHONE: 482-2364
EX-OFFICIO SHARON HAUGHEN, 202 SW 5TH ST, SIDNEY 59270	PHONE: 482-4340

**CITY OF FAIRVIEW, RICHLAND COUNTY - 3 COMMISSIONERS ELECTED**

DARLENE GABLE, FAIRVIEW 59221	PHONE: 747-5448
PAUL J. TRUDELL, 322 WEST 3RD, FAIRVIEW 59221	PHONE: 747-5849
MILDRED DELANEY, P. O. BOX 599, FAIRVIEW 59221	PHONE: 747-5781
EX-OFFICIO BARRY ALBERT, 732 CENTRAL, FRAIVIEW 59221	PHONE: 747-5965

**CITY OF SIDNEY, RICHLAND COUNTY - 5 COMMISSIONERS ELECTED**

W. R. (BILL) WILKINSON, P. O. BOX 289, SIDNEY 59270	PHONE: 482-2586
ELDEN KEMMIS, 1201 JUNIPER, SIDNEY 59270	PHONE: 482-2562
HAROLD L. MERCIER, 307 2ND AVENUE S. E., SIDNEY 59270	PHONE: 482-1534
NICOLE BEYER, 411 2ND STREET S. E., SIDNEY 59270	PHONE: 482-4352
HARRY CHILD, 903 WEST MAIN, SIDNEY 59270	PHONE: 482-1778
EX-OFFICIO SANTOS CARRANTZA, 604 2ND ST. NE, SIDNEY 59270	PHONE: 482-1964

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**COUNTY OF ROOSEVELT - 5 COMMISSIONERS ELECTED**

ALDON E. LEE, 329 HILL ST., WOLF POINT 59201	PHONE: 653-1956
CARSTEN BECK, BOX 291, CULBERTSON 59218	PHONE: 787-6684
ROBERT R. BELL, BOX 190, CULBERTSON 59218	PHONE: 787-6682
BURLE T. NYGAARD, BOX 2015, WOLF POINT 59201	PHONE: 392-5513
SHARON MOHR, BOX 476, CULBERTSON 59218	PHONE: NONE
EX-OFFICIO CALMER A. ERSNESS, BOX 978, W. POINT 59201	PHONE: 653-1590 E72



CITY OF BAINVILLE, ROOSEVELT COUNTY - 3 COMMISSIONERS ELECTED

SHEILA M. COULSTON, BOX 105, BAINVILLE 59212  
MARY E. KNUDSEN, BOX 156, BAINVILLE 59212  
PATRICIA PICARD, BOX 82, BAINVILLE 59212  
EX-OFFICIO

PHONE: 769-2571  
PHONE: 769-3031  
PHONE: 769-3861

CITY OF BROCKTON, ROOSEVELT COUNTY - 3 COMMISSIONERS APPOINTED

VERNA HOLLOW, BROCKTON 59213  
ADRIAN SPOTTEDBIRD, BROCKTON 59213  
ALPHEUS BIGHORN, JR. BROCKTON 59213  
EX-OFFICIO JAMES DILLON, BROCKTON 59213

PHONE: 786-3282  
PHONE: NONE  
PHONE: 786-3235  
PHONE: 786-3314

CITY OF CULBERTSON, ROOSEVELT COUNTY - 2 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED

SHARON MOHR, BOX 476, CULBERTSON 59218  
CARSTEN BECK, BOX 291, CULBERTSON 59218  
ROBERT BELL, BOX 190 CULBERTSON  
EX-OFFICIO VIOLA GUSTAFSON, BOX 310, CULBERTSON 59218

PHONE: NONE  
PHONE: 787-6684  
PHONE: 787-6682  
PHONE: 787-5271

CITY OF POPLAR, ROOSEVELT COUNTY - 3 COMMISSIONERS ELECTED

AL AULT, BOX 86, POPLAR 59255  
DAWN KAY NELSEN, BOX 1174, POPLAR 59255  
HOWARD L. SMITH, BOX 561, POPLAR 59255  
EX-OFFICIO JEAN DANIELSON, BOX 638, POPLAR 59255

PHONE: 768-3395  
PHONE: 768-3357  
PHONE: 768-3710  
PHONE: 768-3386

CITY OF WOLF POINT, ROOSEVELT COUNTY - 3 COMMISSIONERS ELECTED

MALISSE (LEE) T. MAHLUM, 930 2ND AVE. N., WOLF POINT 59201 PHONE: 653-1716  
SHARON DSCHAAK, 121 ANACONDA, WOLF POINT 59201 PHONE: 653-1320  
JULIUS FRIESEN, BOX 159, WOLF POINT 59201 PHONE: 653-2067  
EX-OFFICIO CHARLES WARLEY, 201 CUSTER, WOLF POINT 59201 PHONE: 653-1292

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COUNTY OF ROSEBUD - 3 COMMISSIONERS ELECTED

SUSAN BRAINE, LAME DEER 59043  
JOHN ROBINSON, LAME DEER 59043  
CAROL RED CHERRIES, LAME DEER 59043  
EX-OFFICIO ELDON RICE, (CO. PLANNER), FORSYTH 59327 PHONE: 356-7551 (WORK)

CITY OF FORSYTH, ROSEBUD COUNTY - 5 COMMISSIONERS ELECTED

SUZANNE BROOKS, P. O. BOX 961, FORSYTH 59327  
JIM MORRIS, P. O. BOX 119, FORSYTH 59327  
LARRY KAUTZMAN, P. O. BOX 1231, FORSYTH 59327  
JEANNIE HEKKEL, P. O. BOX 1049, FORSYTH 59327  
JUNE MacCONNELL, P. O. BOX 224, FORSYTH 59327  
EX-OFFICIO BOB MARTINEK, P. O. BOX 105, FORSYTH 59327  
EX-OFFICIO JUNE CLARK, P. O. BOX 468, FORSYTH 59327

PHONE: 356-2149  
PHONE: 356-2216  
PHONE: 356-2715  
PHONE: 256-2251  
PHONE: 356-2175  
PHONE: 356-2526  
PHONE: 356-2672

AS OF SEPTEMBER 9, 1985



COUNTY OF SHERIDAN - 3 COMMISSIONERS ELECTED

DOUG SMITH, BOX 191, PLENTYWOOD 59254  
JERI FLOM, BOX 114, RESERVE 59258  
LESTER NIELSEN, RURAL ROUTE, RESERVE 59258  
EX-OFFICIO CHET HOLJE, 100 W. LAUREL AVE, PLENTYWOOD 59254 PHONE: 765-1445  
PHONE: 286-5448  
PHONE: 286-5472  
PHONE: 765-1660

CITY OF MEDICINE LAKE, SHERIDAN COUNTY - 3 COMMISSIONERS ELECTED

MARCIA MICHELS, MEDICINE LAKE 59247  
MARGE MICHELS, MEDICINE LAKE 59247  
GUDRUN VIK KAMPEN, MEDICINE LAKE 59247  
EX-OFFICIO BRYCE HANCOCK, JR, MEDICINE LAKE 59247 PHONE: 789-2424  
PHONE: 789-2274  
PHONE: 789-2366  
PHONE: 789-2278

CITY OF PLENTYWOOD, SHERIDAN COUNTY - 5 COMMISSIONERS ELECTED

BILL STALLARD, 613 LAUREL AVE, PLENTYWOOD 59254  
DEAN GLOVER, 777 JAMES DR., PLENTYWOOD 59254  
RANDY MATZKE, 310 N. JACKSON, PLENTYWOOD 59254  
EUGENE V. LAGERQUIST, 201 N. POPULAR, PLENTYWOOD 59254  
FAUNA ALLEN, 418 N. HAZEL, PLENTYWOOD 59254  
EX-OFFICIO JON MEHL, 326 N. JEFFERSON, PLENTYWOOD 59254 PHONE: 765-2833  
PHONE: 765-1824  
PHONE: 765-2713  
PHONE: 765-1442  
PHONE: 765-2155  
PHONE: 765-2117

CITY OF WESTBY, SHERIDAN COUNTY - 3 COMMISSIONERS ELECTED

KAREN MEYER, WESTBY 59275  
SANDRA ELM, WESTBY 59275  
LORNA LAQERQUIST, WESTBY 59275  
EX-OFFICIO GENE MEYER, WESTBY 59275 PHONE: 385-2351  
PHONE: 385-2356  
PHONE: 385-2280  
PHONE: 385-2287

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COUNTY OF SILVER BOW/BUTTE - 9 COMMISSIONERS

JOHN S. (JACK) WULF, Divide 59727  
R. EMMETT DOLAN, BOX 3576, BUTTE 59701  
JANET C. GALLAGHER, 1326 W. GOLD, BUTTE 59701  
RICHARD T. (RICK) GRIFFITH, 135 RYE, BUTTE 59701  
HENRY McCLEERNAN, 3 NORTH EXCELSIOR, BUTTE 59701  
WM (OAKIE) O'CONNOR, 428 NORTH ALABAMA, BUTTE 59701  
DR. DAN O'NEILL, 519 EAST FRONT, BUTTE 59701  
DR. J. MICHAEL SADAJ, 3465 QUINCY, BUTTE 59701  
MIKE SHEA, 1001 WEST WOOLMAN, BUTTE 59701  
EX-OFFICIO DAN DENNEHY, 1ST FLOOR COURTHOUSE,  
155 W. GRANITE, BUTTE 59701 PHONE: 267-3353  
PHONE: 782-6163  
PHONE: 782-8624  
PHONE: 494-3836  
PHONE: 782-8438  
PHONE: 782-2573  
PHONE: 732-3251  
PHONE: 494-6661  
PHONE: 782-5773  
PHONE: 723-8262 E236

CITY OF WALKERVILLE, SILVER BOW COUNTY - 5 COMMISSIONERS ELECTED

LINDA MARSH, 93 BLUE WING, WALKERVILLE 59701  
PHYLLIS LILLIAN RICKY, 1512 NORTH MAIN, WALKERVILLE 59701  
CLIFF RICKY, 1512 N. MAIN, WALKERVILLE 59701  
KATHLEEN SPARKS, 320 W. DAILY, WALKERVILLE 59701  
EX-OFFICIO JOHN REIS, 605 W. DAILY, WALKERVILLE 59701 PHONE: 782-9405  
PHONE: 723-4421  
PHONE: 723-4421  
PHONE: 782-2423  
PHONE: 782-4694



CITY OF FAIRFIELD, TETON COUNTY - 3 COMMISSIONERS ELECTED

BERNARD C. BISSELL, BOX 34, FAIRFIELD 59436  
MICHAEL WM. JOHNSON, BOX 54, FAIRFIELD 59436  
CARLISLE H. KRUSI, BOX 548, FAIRFIELD 59436  
EX-OFFICIO - EILEEN EISENMAN, FAIRFIELD 59436

PHONE: 467-2362  
PHONE: 467-2350  
PHONE: 467-2466  
PHONE: 467-2399

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COUNTY OF TOOLE - 4 COMMISSIONERS ELECTED  
1 COMMISSIONER APPOINTED

LARRY MUNSON, BOX 36, DEVON STAR ROUTE, SHELBY 59474  
MYRNA JOY WOLLAN, P. O. BOX 14, SHELBY 59474  
STUART HOWELL, 974 NORTH MARIAS, SHELBY 59474  
DWAINE IVERSON, 302-12TH AVE. NORTH, SHELBY 59474  
ROBERT RICHMAN, 114 12TH AVE. NORTH, SHELBY 59474  
EX-OFFICIO J. G. GOTTFRIED, BOX 166, SWEETGRASS 59484

PHONE: 432-2182  
PHONE: 434-5055  
PHONE: 434-5013  
PHONE: 434-5744  
PHONE: 434-7150  
PHONE: 434-5121

CITY OF KEVIN, TOOLE COUNTY - 3 COMMISSIONERS ELECTED

OBERT CARLSON, KEVIN 59454  
LUCY MICHAUD, BOX 48, KEVIN 59454  
PAMELA E. PORTER, KEVIN 59454  
EX-OFFICIO DIANE HOFLAND, BOX 267, KEVIN 59454

PHONE: 337-2801  
PHONE: 337-2801  
PHONE: 337-2711  
PHONE: 337-2920

CITY OF SHELBY, TOOLE COUNTY - 5 COMMISSIONERS ELECTED

CHARLES L. TURNER, 935 MARIAS AVE., SHELBY 59474  
R. J. BURNS, 431-1 SOUTH, SHELBY 59474  
W. PAT PARDIS, 529-5 SOUTH, SHELBY 59474  
IRENE SPANGLER GOTTFRIED, 999 - 2ND ST. S., SHELBY 59474  
RUTH FLESCH, 218 PLUM, SHELBY 59474  
EX-OFFICIO BENNO (BEN) OBER, 963 N TETON AVE. SHELBY 59474

PHONE: 434-2813  
PHONE: 434-5712  
PHONE: 434-2989  
PHONE: 434-2329  
PHONE: 434-5680  
PHONE: 434-2509

CITY OF SUNBURST, TOOLE COUNTY - 3 COMMISSIONERS APPOINTED

LAWRENCE FAUQUE, SUNBURST 59482  
ROBERT ROSS, SUNBURST 59482  
ELLEN JOYCE SCHRAMMECK, SUNBURST 59482  
EX-OFFICIO PAUL NICHOLAS, SUNBURST 59482

PHONE: 937-2101  
PHONE: 937-7155  
PHONE: 937-2481  
PHONE: 937-2301

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CITY OF HYSHAM, TREASURE COUNTY - 3 COMMISSIONERS ELECTED

EUNICE ACHTENBERG, BOX 471, HYSHAM 59038  
VICKY FINK, BOX 61, HYSHAM 59038  
KAY MAASCH, BOX 134, HYSHAM 59038  
EX-OFFICIO PHYLLIS SCHOEMAKER, BOX 228, HYSHAM 59038

PHONE: 342-5321  
PHONE: 342-5518  
PHONE: 342-5277  
PHONE: 342-5544



CITY OF HARLOWTON, COUNTY OF WHEATLAND - 1 COMMISSIONER ELECTED  
2 COMMISSIONERS APPOINTED

WARREN ELWOOD, BOX 8, HARLOWTON 59036	PHONE: 632-5666
REUBEN JOHNSON, BOX 722, HARLOWTON 59036	PHONE: 632-5645
DOROTHY MORANG, BOX 188, HARLOWTON 59036	PHONE: 632-5562
EX-OFFICIO MARCEL CALLANT, BOX AG, HARLOWTON 59036	PHONE: 632-5846

CITY OF WIBAUX, WIBAUX COUNTY - 5 COMMISSIONERS ELECTED

WAYNE P. MARCUS, 302 W 1ST AVE. NORTH, WIBAUX 59353	PHONE: 795-2467
DANIEL L. SEBASTIAN, 110 1/2 SOUTH WIBAUX, WIBAUX 59353	PHONE: 795-8157
MICHAEL W. NICOSIA, 304 S. BEAVER, WIBAUX 59353	PHONE: 795-2976
DON H. CHAFFEE, 205 N F, WIBAUX 59353	PHONE: 795-2942
RAYMOND M. STUBBERUD, 201 E LINCOLN AVE, WIBAUX 59353	PHONE: 795-2294
EX-OFFICIO WILBUR CHAFFEE JR, WIBAUX 59353	PHONE: 795-2545/2221



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TITLE: Addendum to Tab Q

**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

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## REFERENCE AND INFORMATION SERVICES/INTERLIBRARY LOAN

There are additional materials on most aspects of the voter review process. To search out these items begin with your local library. If what you are looking for is not there, most libraries can provide an inter-library loan service. This will generally take a minimum of two weeks. If your library does not provide an inter-library loan service, or if you need something faster than inter-library loan can secure it, phone the Montana State Library. The services of the State Library are available to you as members of local government study commissions.

If you have any questions or have any problems identifying or locating materials, please feel free to call the State Library's Reference and Information Services department at 444-3004.

A commission may wish to have its own copy of a report for further reference. In many instances the State Library will provide a free photocopying service.

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Note: for additional information  
see Chapter VIII in Handbook of  
Montana Forms of Local Government  
which is cited on Q2 of the Manual  
as well as Norman C. Peterson,  
Model Local Charters, Local Govern-  
ment Review Bulletin, Vol. 3, no. 3,  
February, 1976.

TITLE: Charter Writing in Montana:  
A Citizens' Guide

**LOCAL GOVERNMENT  
VOTER REVIEW  
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## CHARTER WRITING IN MONTANA:

### A CITIZEN'S GUIDE

Charter writing came to Montana by way of the 1972 state constitution. The 1975 Legislature then laid down the ground rules for carrying out the process. Although this phase of local government reform activity is new to Montana, a charter-writing movement can be said to have existed in the United States as early as the first years of the twentieth century. And the reasons Montanans were granted the opportunity to write a charter are similar to those that have sustained the national charter-writing movement for the past 75 years.

#### WHAT IS CHARTER WRITING?

The best way to understand a local government charter is to compare it to a state constitution. Both documents explain how the government is to be organized and what powers it can have. In addition, some charters describe various governmental functions and procedures. A local government charter, therefore, is the basic source for understanding the formal structure, powers, rights, and duties of a city, town or county. It is written by local residents, and it symbolizes very clearly and directly a government of the people's own making. It serves much the same purpose as the United States Constitution at the national level.

It must be pointed out, however, that legally a local government charter is a less fundamental document than a state or national constitution. A charter is subject to the provisions of both the United States Constitution and the state constitution. In addition, certain specifics of a charter can be overruled by the state legislature. But despite these limitations, a charter gives a municipality or county greater control over its internal affairs

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and in how it handles its community problems.

Writing a charter is a new activity for a county or municipality and indicates a new direction. The community can look more to itself than to the state legislature when deciding whether or not to take on a particular activity. The charter thus provides a local government with freedom to act on its own to solve its problems. It is obvious though, that the charter itself is no cure-all for these problems; it is merely an approach for bringing the solutions into closer reach. In varying degrees, a charter is the means of acquiring local authority to act and also the source of limitations on contemplated actions.

A local government charter is normally the product of an intensive examination by a charter commission of a county or municipality. The commission asks whether the unit is serving the people who live within its boundaries. Very simply, this means: Is the local government doing well what it has already undertaken, and has it undertaken all the tasks that properly are its responsibility?

The charter that is written as a result of this study process is somewhat of a local declaration of independence. It re-establishes, or establishes for the first time, the existence of the county or municipality. As noted above, it endows local governments with increased freedom and discretion to adjust to new situations. But, the charter-writing process contains another important, though indirect, benefit. The process of writing a charter can result in the citizens understanding their government more because they had a hand in designing it.

#### WHY CHARTER WRITING CAME TO MONTANA

Members of the Local Government Committee of the 1971 Montana Constitutional Convention were responsible for including the charter-writing provision in

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the new state constitution. These delegates felt that citizens should have considerable control over their governments and that local communities should have the opportunity to reflect the diversity that prevails in Montana in its governmental structures and powers.

The Local Government Committee gave considerable thought to both the charter-writing process and the nature of the charter itself. In its deliberations on both matters, the committee applied the standards of "accountability" and "flexibility." It was anticipated that the key participants in the charter-writing process would be local citizens. A commission so comprised would allow more people to become directly involved in their government. Such community-based citizen commissions also could give necessary attention to unique local conditions and would not have to rely on a distant state legislature for ready-made alternatives.

The Local Government Committee also felt that charters drafted locally, unlike previous charters authored by the legislature, should contain provisions dealing with both local government structure and powers. First, charter writing would encourage local units to experiment with known approaches to organizing local governments or to design a completely unique form of government. Thus, charter writing was seen as a method of molding a governmental structure to fit the particular shape of a community's needs and aspirations.

Delegates to the Montana Constitutional Convention next provided that a charter would contain *self-government powers*, so that the authority and responsibility of charter-writing communities could be increased. From the "flexibility" standpoint, the delegates thought it was impossible for the legislature to anticipate and accommodate the needs of big and small, urban and rural communities. They decided that local governments could be trusted to exercise power, in a responsible fashion, over their own affairs. And,

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from the "accountability" perspective, political responsibility would be increased because local officials, quite visible to the community, would be given greater authority to act on local problems.

#### HOW THE MONTANA LEGISLATURE DEFINED CHARTER WRITING

The 1972 Montana Constitution, in Article XI, Section 5, gives the legislature authority to provide procedures that permit "a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question.

The constitution also goes on to make some specific statements about what a charter will contain, and that a charter can have sections dealing with both local government structure and powers. Although the constitution lays out the general shape of what a charter will look like in Montana, the legislature decided on the details of the charter-writing process. Each charter-writing community can then fill in the specific content or substance of its document.

#### STRUCTURAL ASPECTS OF A CHARTER

The Montana Legislature treated the timetable and procedures of a charter-writing commission in a rather exhaustive fashion, but the legislature left this matter of structure largely to the discretion of each commission. The legislature placed very few limitations on the form of local government that can be included in a charter. Provision must be made for a legislative body, either elected or consisting of all of the local government unit's qualified voters. If the members of the local legislative body are to be elected, the charter must specify the number on the body, the length of the term of office, whether terms are to be staggered, and the procedures for removing office holders and filling vacancies.

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In addition, the charter must indicate whether members of an elected legislative body will be nominated and elected by districts, at large, or by some combination of these two approaches. If districts are used for either nomination or election, they must be apportioned according to population and candidates must reside in the district for which they are running.

The Montana Legislature also placed minimal restrictions on the administrative and executive functions to be provided for in the charter form of government. The legislature required that the charter identify chief executive and chief administrative functions. These functions can be the responsibility of one or more officials, and these officials can be members of city or county commissions. In addition, the single or plural executive/administrator can be elected or appointed, with the charter specifying term of office, powers and duties, and grounds for removal.

Other structural aspects of the charter form of government may be written into the charter or left to the discretion of the governing body of the local government. For example, *either the charter or local ordinances* can specify the officers, departmental structure, and use of boards and commissions. In addition, the use of community councils to assist members of the legislative body can be authorized by either charter or ordinance.

The Montana Legislature has allowed the charter form of government to be the vehicle of structural versatility originally envisioned by the Constitutional Convention. As a result, a study commission choosing to write a charter can design virtually any form of government to fit its community's special situation.

#### POWER ASPECTS OF A CHARTER

Besides dealing with the procedural aspects of charter writing and the structural characteristics of a charter form of government, the 1975 Montana Legislature also enacted a measure that concerns the powers of a chartered

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unit of local government. Article XI, Section 6 of the Montana Constitution says that a municipality or county that adopts a charter thereby receives self-government powers. This means that a self-governing unit can exercise any power that is not prohibited by the Montana Constitution, by state law, or by the charter itself. The 1975 legislature clarified to what degree the state would limit the self-government powers of a charter unit. Charter provisions must not be in conflict with these statutory limitations.

The legislature has chosen to restrict the self-government powers of charter units of local government in four ways:

1. Some specific powers that relate strictly to state matters are denied to self-government units. Legislators believed that not being of local concern, these should be exercised only through state activity.

2. Some powers can be exercised by self-government units only when these powers have been *expressly delegated* by the legislature. The rationale for this restriction was that the nature of some admittedly local powers requires that they be exercised uniformly. This uniformity and harmony could be achieved through specific authorizations by the state.

3. Where both state and self-government units have a legitimate interest in exercising certain powers the self-government unit is *completely free to act --unless a state agency or officer is already actively involved*. In cases of such ongoing state regulation or control, *concurrent* activity by a self-government unit is permitted as long as its standards or requirements are not lower than the state's. The self-government unit remains free to require a higher standard of performance. It is important to see that in this situation the state does not deny powers to self-government units; it only limits them to the degree necessary to guard against the undermining of clearly enunciated state standards.

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A charter commission should exercise care, however, not to clutter up a charter with too many details. A charter should not contain organizational details as opposed to the basic plan of government. A charter would be a cumbersome and even crippling instrument if it required a community to use the amending process to make adjustments in administrative organization and procedure. These matters should be left to the discretion of local government officials. Like framers of a constitution, therefore, charter writers would be wise to include only fundamental details, that is, items that are based on relatively permanent principles and are not subject to frequent alteration because of changing local conditions.

#### CONCLUSION

Montana enters its charter-writing era rather late relative to other states. Charter commission members will have the difficult task of chiseling out the first steps of Montana's charter-writing experience. The promise of this effort must be weighed against the potential pitfalls.

The decision to embark upon charter writing should be based on a realistic assessment of the limitations and benefits of the process in Montana. In most other states, charter writing is a method of taking on additional local government powers or acquiring a form of government not provided by the legislature. Charter writing is not necessary for either of these objectives in Montana. The legislature has provided a vast array of optional forms of government for counties and municipalities, and any form except commission government can be given self-government powers through the voter review process. Moreover, the legislature will control many aspects of local government that in other states are reserved to local jurisdictions through charter writing.

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These limitations on what can be accomplished solely through charter writing diminish, to a degree, the usefulness of the process in this state.

On the other hand, charter writing can secure certain advantages for some communities, the greatest benefit probably accruing to those which recommend some form of governmental merger. Consolidation, for example, entails a large number of complex governmental arrangements and political understandings. For the most part, these matters will have to be concluded in a spirit of compromise. The nature of a charter--a fundamental and relatively permanent document--can assist in achieving agreement. Both sides will rest more secure if the meeting of minds is given charter status.

A county or municipal study commission that elects to write a charter will be able to deny powers to its local government in addition to the limitations imposed by the Montana Constitution and state law. It deserves emphasis that the legislature, at a future time, can still add restrictions to self-government powers that are binding on a charter community. And, the charter denials can extend to powers which the state legislature was willing to leave to the discretion of self-government units. Such local denial, however, is not available where an optional form of government provided by the legislature is adopted with self-government powers attached. Charter writing, therefore, allows greater control of local government powers, albeit a negative variety of control. In this light, charter writing should not be confused with "home rule."

Charter writing should not be undertaken lightly by Montana study commissions. Such a decision should be a conclusion to an exhaustive cost-benefit analysis. For those who decide to go ahead, however, thoughtful procedures and thorough work will spell the difference between failure and success.



4. The final kind of limitation that the legislature placed on self-government units is in the nature of *mandatory provisions*. For the most part, these strict provisions have to do with duties that all local governments must perform as agents of the state; or they consist of regulations that the constitution requires the state to impose on all units of local government; or they are justified on grounds of due process to protect individual state citizens from the substantial impact of discretionary local action.

#### THE CHARTER COMMISSION: AMATEURS PLUS EXPERTS

Charter writing is an exacting and challenging undertaking. Its demands are burdensome enough so that a study commission should ask whether or not the potential benefits warrant the undertaking. Specifically, the commission should ponder whether charter writing is necessary to acquire the desired flexibility in designing a structure with self-government powers.

This decision should be based on a number of considerations: the kind of government-related problems that presently are confronting and will confront the community in the future; an appreciation of the nature and possibilities of a self-government charter; and the availability of sufficient resources to carry out an adequate job of charter writing.

#### ASSESSING THE SCOPE OF COMMUNITY NEEDS AND CHARTER POSSIBILITIES

Each Montana local government study commission, whether it ultimately concerns itself with an alternative governmental form or with a charter, must attempt to anticipate what will be expected of local government in the days ahead. The constitutional convention analogy serves well here. Commission members, like convention delegates, will assess the adequacy of the present governmental unit as a provider of essential public services and as a representative and responsive system for making public decisions.

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If a study commission concludes from its analysis that some major reform is called for, charter writing may well be the proper avenue of response. To make this decision with confidence, the commission must fully realize what writing a charter implies. A chartered local government unit will reserve for itself many decisions that previously were the province of the legislature. Under a charter, a local government will have the capacity to make adjustments in its organization and powers to meet new situations as they arise. When citizens realize that local officials are fully empowered to act in a given situation, the complexion of local politics may change overnight. Some may argue that increased demands and authority will result in hurried and incompetent government instead of considered and responsible government. The county or municipality must be willing to take on the additional responsibilities involved and feel that it possesses the necessary skill and ability to exercise self-government powers wisely.

#### CHARTER WRITING SKILLS

After a study commission has considered a community's public needs and the nature and possibilities of a self-government charter, its decision to go ahead and become a charter-writing commission should be grounded in its resources. Commission members must conclude that they themselves possess, or have readily available, the necessary skills to write the kind of charter that will serve their community well.

A number of skills are needed. The nature of a self-government charter makes this very clear. The charter is a written document that defines the basic organizational structure of a local government unit and sets local limits on the exercise of self-government powers. To do the job properly, a lay person with writing abilities, a public administration specialist, and a lawyer familiar with local government law should all be involved.

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A good writer is important because lay persons, government officials, lawyers and judges will turn to the charter to determine how the municipality or county was meant to operate and what it can or cannot do. To the degree that the charter is written in an ambiguous, inconsistent, or sloppy fashion, the status of the government will be put in doubt and the real intent of the charter commission will be distorted.

Secondly, a person should be available who is familiar with principles of governmental organization and their performance in situations similar to the charter community. Since a charter commission has almost complete discretion in designing a government's administrative arrangement, it would be a grave mistake to leave these decisions completely open to unresearched and unfounded opinion or to well-meaning, but risky, experimentation. The unit of local government will have to live with the charter if it is adopted and a cumbersome, ill-conceived structure could create worse problems than the commission was trying to overcome.

A lawyer who has developed expertise in local government law is the third resource person indispensable to a charter-writing commission. The contribution of the lawyer will be primarily in the area of the powers of local government. The lawyer must be able to advise the charter commission on the nature and extent of the restrictions already imposed on self-government units by the state constitution and the legislature, and then advise and draft language concerning additional restrictions to be imposed on the unit by the charter itself. Additionally, the lawyer must insure the commission and community that charter language is not in violation of the laws and constitutions of the state and federal governments.

A charter commission, therefore, will involve, in varying degrees, dedicated but governmentally inexperienced citizens, experienced former officials,



and highly specialized individuals. Each perspective is essential. Any commission that lacks a crucial perspective or skill among its membership or staff will have to acquire it elsewhere. It will be each charter commission's responsibility to see that its energies, abilities, and decisions are adequately supported and complemented by expert assistance from one source or another.

#### THE CONTENTS OF A MONTANA CHARTER

Local government charters throughout the United States have varied, and yet a somewhat representative table of contents can be constructed. A charter normally contains a preamble and most of the following sections: governmental powers; legislative body; executive office; administrative arrangement; financial administration; elections; initiative and referendum; courts; general provisions; and transitional provisions. In Montana, however, local government charters will be unique because of the special role the state constitution and the state legislature play in the charter-writing process.

The Montana Legislature, for example, will retain control over the following areas: local government financial administration, local government elections, initiative and referendum processes, local government court system, charter amendment process, and some matters of transition to the new form of government. As a result, a local government charter in Montana will not have to contain these sections.

On the other hand, a county or municipal self-government charter in Montana will contain the following key sections: local government powers, legislative body, executive office, and the arrangement of administrative offices. The study commission can give these subjects extensive treatment in the charter, and the constitution's promise of local flexibility in designing a local government here holds true.

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Government and Service Consolidation

Craig Wilson  
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Throughout the lifetime of Montana's 1889 constitution much time was spent during each legislative session discussing the specific problems of local governments. This problem helped convince delegates to Montana's 1972 Constitutional Convention that the state's local governments needed greater powers than those granted them by the 19th century Constitution. During the Convention delegates who supported the "home rule" concept were opposed by those who felt local officials might abuse increased local power. The Convention finally adopted the "shared" or "residual" powers concept which gave local governments legislative powers not denied them by the constitution or statute. Delegates to the Convention also gave citizens the right, periodically, to review their local government form and recommend changes. Finally, they granted local governments the power to assume self-governing powers. Those local governments which subsequently assumed self-governing status achieved greater flexibility in responding to the needs of their citizens not only in the area of structure, but also in terms of the services they provide.

In 1975 the Legislature increased the power of local government study commissions. Study Commissions were given authority to recommend six possible cooperative agreements to the voters:

1. County-municipality consolidation
2. County-municipality confederation
3. County-county consolidation
4. County consolidation which includes municipalities
5. Service consolidation or transfer
6. Disincorporation

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Proposals endorsing cooperative agreements have to be placed before the voters along with the issue of whether or not to adopt an alternative form of government.

COOPERATIVE ARRANGEMENTS

Table I

Possible combinations of forms, self-government powers, and cooperative arrangements and their availability to local government units.

		ALL UNITS				
		Commission-Executive	Commission-Manager	Commission	Commission Chairman	Charter Form
County-Municipality Consolidation		X	X	X	X	X
ALL UNITS						
County-Municipality Confederation		X	X	X	X	X
County Consolidation with Municipality		X	X	X	X	X
Service Consolidation and Transfer		X	X	X	X	X
County Consolidation		X	X	X	X	X
Municipal City Disincorporation						

\*The town meeting form is available only to incorporated cities and towns of less than 2,000 persons.

This table and the previous listing of cooperative agreements taken from James Lopach, *Forms of Local Government in Montana: A Citizen's Guide*, (Bozeman: Cooperative Extension Service, 1975), pp. 2-3.

Thus, Montana's Constitution and legislative action allows study commissions to recommend changes in an existing form of government, adopt an entirely new form, sanction the consolidation of governments, and permit local governments to enter into cooperative service agreements.

Government Consolidation

Montana's 1889 Constitution mandated the same governmental form for all counties in the state. Later constitutional amendments and legislative action permitted several city-county consolidation options. Butte and Silver Bow

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County undertook three unsuccessful efforts to employ these provisions to achieve consolidation. Today on a national level city-county consolidation has occurred primarily in metropolitan areas; however, some experts have suggested that it might also work in less populated areas (like some regions of Montana) where a major urban center is surrounded by more rural areas.

Although the 1972 Constitution made consolidation of local governments easier to achieve, only 3 of the 56 county studied and 3 of the 125 municipal study commission reports recommended city-county consolidation during the 1974-76 governmental review process. The plans developed for Butte-Silver Bow County and Anaconda-Deer Lodge County were adopted by the voters, while the Missoula-Missoula County proposal was defeated. The Butte-Silver Bow plan called for consolidation under an elected executive while Anaconda-Deer Lodge County adopted a manager form of government. While different approaches for achieving consolidation were followed by the affected study commissions, all were concerned with service costs and duplication. In both Butte and Anaconda many citizens expressed their displeasure with local officials. The four study commissions for Butte, Silver Bow County, and Anaconda and Deer Lodge County appointed a variety of advisory task forces to assist them and undertook door-to-door canvassing to gain voter endorsement for the charters they proposed. In contrast, the Missoula-Missoula County plan was highly complex and some citizens accused the study commissioners of being elites, more interested in governmental reform than in encouraging broad citizen participation.

City-county consolidation cannot be effected unless cooperating study commissions jointly approve a final report recommending unification. In addition to the final report which has to be filed by all study commissions, a special final report, containing specific information about a number of issues, must be filed by study commissions recommending county-municipal

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consolidation or county merger (MCA 7-3-188).

If consolidation without a charter is proposed, study commissions must submit to the voters the consolidation plan as well as the proposed alternate form of government. But if a charter is proposed, the consolidation plan may be included in the charter. The old forms of government are dissolved on the effective date of consolidation. Because consolidation involves a new type of government, study commissions which recommend this option must develop an advisory plan to achieve an orderly transition to the new governmental form. Finally, consolidated governments have two years to "revise, repeal, or reaffirm all rules, ordinances, and resolutions in force" under their prior form of government.

A proposal for county-municipal consolidation is adopted if it attracts a simple majority of all the votes cast in the affected county. Local governments affected by the proposal do not have to approve the issue separately by majority vote (MCA 7-3-149).

In both Montana and the nation as a whole arguments for county-county consolidation have had little impact because this type of governmental unification has seldom been attempted. Nevertheless, the abandonment and consolidation of counties is covered in MCA 7-2-2701 to 2759. Any plan endorsing county merger must be approved by a majority of voters in the affected counties (MCA 7-3-149).

#### Service Consolidation

Under Montana's 1889 Constitution, which did not specifically allow local governments to form special service districts or enter into cooperative arrangements, local officials had little ability to alter the mix of public services they provided. Prior to the adoption of the 1972 Constitution, however, a variety of local governments took advantage of the benefits of

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interlocal agreements and developed service sharing agreements in law enforcement and planning and created special districts in areas such as water, conservation, and housing.

A desire to change the mix of services offered by local governments might come about because of the impact of population change on tax revenue. Two or more local governments might decide to consolidate or transfer services to avoid duplication, while not mandating government consolidation. Further, larger governments might be able to provide some services to their smaller brethren at a reduced cost. The consolidation of services might also lead to better planning and solve the problem of some county residents using municipal services without paying for them. But some services, such as the upkeep of roads by rural counties, might prove to be as costly a function for two or more counties as it is for one. This same argument might also be applied to other counties with expensive transportation costs. On the other hand, some administrative services might prove cheaper for two or more cooperating governments to perform.

By taking advantage of the self-government powers section of the 1972 Constitution, local governments have achieved a new flexibility in the services they provide. State law states that local governments:

...with self-government powers may provide any services or perform any functions not expressly prohibited by the Montana constitution, state law, or its charter. These services and functions include but are not limited to those services and functions which general power government units are authorized to provide or perform. (MCA 7-1-102)

Thus, while self-governing local governments can provide the same services as general power governments, they are "not subject to any limitation in the provision of that service...except limitations as are contained in its charter or in state law specifically applicable to self-government units" (MCA 7-1-103).

Interlocal agreements, interlocal cooperative commissions, and the consolidation and transfer of services are covered in chapter 11 of the Montana Code.

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This section of the code was designed to "permit local governmental units...to cooperate with other local governmental units...to provide services and facilities...that will accord best with...the needs and development of local communities" (MCA 7-11-102). Public agencies are also allowed by contract with each other "to perform any administrative services, activity, or undertaking which" they are legally allowed to enter into contracts for (MCA 7-11-109). Any such agreements, however, must contain a variety of specific information and be submitted to the attorney general for legal review (MCA 7-11-105).

During the 1974-76 local government review process four county study commissions and four of their municipal counterparts recommended city-county law enforcement consolidation. Three of the four plans were adopted by the voters. Further, in recent years some local governments have used their new powers to define the services they provide in areas such as planning, fire and police protection, and some agricultural and human service functions. Finally, self-governing units also have the ability to establish and abolish boards, commissions, and bureaus that provide services.

The option of allowing cooperating study commissions to recommend service consolidation or transfer was inadvertently omitted from voter review legislation adopted in 1983, but was returned to the law by the 1985 legislature.

It is important to reiterate that study commissions must place proposals for cooperative agreements on the ballot in addition to the question of whether or not to adopt an alternative form of government (study commission proposals placed before the voters can involve no more than three suboptions). If a proposed alternative form of government is not approved no sub-option can go into effect (MCA 7-3-151).

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**LOCAL GOVERNMENT  
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James Lopach,

"Overview of Forms of Government and Structural Options"

Good government requires good people; and as Lt. Governor Turman pointed out, good officials can make bad governments work. If this were all there were to it, we could forget about studying government forms and focus instead on recruitment of high quality personnel and officers. But forms have a direct bearing on the quality of people in government; the form influences recruitment. A well designed government is more likely to attract good people than a ramshackle one.

You are about to embark on the task of studying forms of government and sub-options. You are doing so as a means to an end. The end is good government. But what is "good government"? This is a difficult question which students of government have been addressing for centuries. While there is no easy answer to the question, it is one we ought to think about before proceeding to the study of forms.

There are several qualities that go into making a good government. The first is accountability. Citizens must have ways of making appointed and elected officials accountable for both expenditure of funds and performance of duties. The second quality is representativeness. People must be able to feel that their elective body reflects the concerns and values of the community. Good government is also responsive government. When the community identifies problems, the government has to be organized so that it can deal promptly and effectively with them. Leadership is also essential. No matter how the government is structured, without leadership it will not be responsive. Finally there is efficiency and economy. Citizens have the right to expect government to provide demanded services as efficiently and economically as possible.

Let's now take up the question, "What is a form of government?" "Form" refers to how the executive and legislative branches are constituted, the responsibilities given to each branch, and the degree of separation between the two.

The distinguishing feature of the commission-executive (mayor-council) form is separation of powers. Because voters separately elect a commission and a mayor, this form resembles the president-congress and governor-legislature form. Sub-options can be used to fine-tune this form to fit local needs. Here you have to decide between a strong executive or a weak executive. The distinction hinges on the degree of control the mayor is given in making appointments, preparing the budget, and the nature of veto power over ordinances adopted by the commission.

The weak executive tends to diffuse administrative power. Under this arrangement, aldermen who chair important committees (such as finance, streets and roads, or public safety) assume day to day administrative authority. This blurs lines between the commission and the executive because department heads report to committee chairmen as

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much as to the mayor. Also, in small communities the mayor's job is part-time. Where this is the case, the town clerk, who is on the job day in and day out, tends to become the real executive rather than the mayor.

The hallmark of the commission-manager form of government is professionalism. Rather than risk electing an amateur as mayor, the commission appoints a person who is trained in management. This form is also marked by a clear separation of power. The manager is clearly the chief executive (but without veto power), and the commission is the legislative branch. The mayor presides at commission meetings. Because of training and experience and broad administrative powers, the manager is a strong executive. The criticism is sometimes made that the manager becomes a dictator. Actually, an effective check comes from the fact that the manager serves at the pleasure of the commission. The manager does not serve a fixed term and can be fired any time a majority of the commission is displeased with his or her work.

The commission-manager form usually reveals several other features, although these are not required under Montana law. Generally, the commissions are small in number and elected at-large in non-partisan election.

The third form of government is the commission form. This is an ancient form of government usually associated with counties, and the vast majority of counties in the United States still employ it. But beginning in the early years of this century the commission form was popular for municipal government as well. In Montana it is not now being used for municipal purposes, but for a time Polson and Missoula had this structure.

The outstanding feature of this form is the fusion rather than separation of powers. Elected commissioners exercise both legislative and executive power. While power is thus fused, responsibility is diffused. This aspect of the commission form makes it one of the most criticized forms. It is difficult to fix responsibility and to determine who is in charge. As it is used at the county level there are, in addition to the three commissioners, the elective row offices who are directly beholden to the people and not responsible to the commissioners. Even if the commissioners might be in agreement and are trying to coordinate affairs, they cannot count on the cooperation of these other elective officers.

Much of the criticism of the commission form arises in an urban setting. In a rural setting, where there is not a great deal of change, this form is familiar and people feel comfortable with it because they think they have control through election of their officials.

The commission-chairman is a rarely used form. It is now in use in two towns in Montana. The legislature devised it to fit the needs of small towns and rural counties where it is sometimes difficult to get people to run for mayor. The chairman is chosen by the commission from among its own membership. The chairman serves at the pleasure of the commission, but has strong executive power over budgeting and

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appointments. The chairman has no veto power. By continuing to be a voting member of the commission, the chairman represents a fusion of legislative and executive powers. Depending on how elections are conducted (partisan or non-partisan) and the election calendar (staggered or concurrent terms), fairly rapid turnover and lack of continuity could be a feature of this form. Some dislike the idea of giving strong executive powers to a person not specifically elected for that purpose. A conflict of interest might also be present if commissioners are elected from districts rather than at large and the chairman comes from one of these districts.

The town meeting form is rarely met with outside New England. In Montana this form is available only to towns of fewer than 2,000 persons. This form is direct democracy as opposed to representative democracy. Every member of the electorate is a member of the legislature and participates in enacting ordinances and levying taxes. At least one town meeting a year must be held. The meeting elects a town chairman who acts as a single executive. Meetings are presided over by the chairman or by a town moderator elected solely for that purpose. Before any town meeting is held, the chairman must prepare an explicit agenda. The purpose of this is to prevent making important decisions late in the meeting when many may have become tired and gone home. The direct democracy of this form appeals to some people. A criticism is that it provides intermittent government. Others feel that small cliques will end up running things.

The last form available is government by charter. If you choose this alternative, the study commission becomes a charter writing commission. A charter is like a constitution in that it spells out the structure of the executive and legislative branches, what powers are possessed under this self-government form, and what powers are denied. The structural features of the charter are superior to state law, but state law is superior to self-governing powers. In other words, those writing a charter can design executive and legislative features as they wish, but the charter cannot provide for the exercise of powers prohibited or preempted by state law.

If you think that the five optional forms do not provide enough flexibility, you can write a charter. Charter governments are not common in Montana. Only 13 of the 182 local governments have charters. Charters are not required for a local unit to have self-governing powers, as you can adopt an optional form to which is attached self-government powers. In Montana most charters have been written not to acquire new powers but to place limits on self-government powers. If you opt for self-governing powers, the only way to have locally imposed limits is through a charter. For example, with self governing powers there are no ceilings on property tax mill levies. A charter is the only means to impose local limits in addition to those which exist under state law.



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**LOCAL GOVERNMENT  
VOTER REVIEW  
ASSISTANCE NETWORK**

TITLE: Lessons Learned by Participants  
in the 1970's Review Process

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PREPARED BY: Lieutenant Governor's  
Staff from taped recordings

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## LESSONS LEARNED BY PARTICIPANTS IN THE 1970'S REVIEW PROCESS

Below are summaries of remarks by panelists at a December 14 meeting which was part of the Seminar Program sponsored by the Local Government Review Assistance Network. The summaries were abstracted from audio tapes. All but two of the panelists were members of study commissions ten years ago. Thomas Payne was a member of the Montana State Commission on Local Government and Lauren McKinsey was a staff member of the Commission who had a broad experience with the review process as a consultant to local study commissions.

The members of the panel were:

Judy Mathre, panel moderator, former Bozeman Study Commission member, Bozeman City commissioner, and Mayor-elect;

Thomas Payne, University of Montana Political Scientist and former member of the Montana State Commission on Local Government;

Lauren McKinsey, Montana State University Political Scientist and former employee of the Montana State Commission on Local Government;

Arlyne Reichert, League of Women Voters, former Cascade County Study Commission member, and 1972 Constitutional Convention Delegate;

Jean Bowman, University of Montana Law School student, former member Yellowstone County Study Commission, and 1972 Constitutional Convention Delegate;

H.W.C. "Doc" Newberry, former and current member Flathead County Study Commission;

Jack Haffey, State Senator from Anaconda and former member Anaconda Study Commission;

Toni Hagener, Hill County Commissioner and former member Havre Study Commission;

George Kurkowski, Mayor of Miles City and former member Miles City Study Commission.

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Thomas Payne

Local government is a low visibility area of politics. Consequently, few people know anything about how local governments function. Therefore, do not begin by assuming people understand what is going on. When the public does not understand what they have, it is difficult for people to accept the idea of a need for change.

The vacuum left by public apathy is filled by groups with their own agendas. Incumbent elected officials and employees are a force with which to contend. Understandably, they will be concerned about their jobs, pensions, etc. Also, ten years ago the vacuum was partially filled by groups which believed that local government review was a conspiracy orchestrated from outside the state. Because these people began with an unrealistic perception, they could not be influenced by rational discussion. If they reappear, their activities will distress commission members who are sincerely trying to do a good job; but you will just have to take the heat.

If you perceive a need for change, remember that it is very difficult to bring change about. The quality of your proposals may be absolutely excellent, but they will not automatically win support. Change is possible only when information levels are high; and in the case of local government affairs, change may also occur only with scandal, crisis, or a dramatic decline in services which will arouse people's interest.

Lauren McKinsey

At the beginning of your work you will probably not have a clear definition of who you are and what you should be doing. But gradually a definition will emerge; and if last time is any indication, your concerns will be remarkably diverse from community to community.

The experience last time indicates that members of study commissions, even those divided among themselves at the outset, will grow together, not in the sense of agreement on all points, but in terms of a consensus on the value of the study process. This agreement included the idea that even if no change came about, it was worth the effort because commissioners and voters would learn much about the existing government.

The idea of voter review in the 1972 Constitution was not change for its own sake but to provide the opportunity for change appropriate to local needs. Those active in the process ten years ago came to see the value of a spin-off in the form of a greater interest in local government. That the first mandatory review succeeded in doing just that is indicated by the fact that people in a majority of local government units voluntarily decided to have another look. This conclusion is also reinforced by the fact that so many of you chose to participate in this seminar. This new, heightened interest in local government is also testimony to the vision of those people who put voter review in the Constitution.

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Tom's comments about the surfacing of irrational opposition bear reiteration. At a meeting in Missoula, Jim Lopach and I were shouted off the stage of a local school by a group which insisted that voter review was part of a conspiracy to undermine our rights. Actually, this kind of opposition gradually lost its impact because people came to realize that voter review is an opportunity for citizens to make decisions in their own communities, an opportunity to ask themselves, "Do we trust our friends and neighbors who serve in city and county governments, or are we going to continue to trust our fate to 150 strangers [legislators] in Helena?"

Arlyne Reichert

1. Pay strict attention to law establishing voter review process. Be certain to follow law exactly so proposal is not challenged on a technicality. Know the limit of your powers as study commissioner.
2. Keep in mind that the "manner" in which the study commission conducts itself throughout the process will have an effect on the voters. Cooperate with each other--ability to compromise vital. Forget personal differences of opinion in other areas--political, etc. Avoid "cliques" and personality conflicts.
3. Hire efficient secretary who is well organized and dependable. Allow adequate time not only to take minutes but to prepare workbooks for individual members, and handle details of meetings.
4. Keep media well-informed about what is going on. Bad press could result in proposal's defeat before its conception. If an undercurrent of hostility exists among members, it will be detected. Maintain an open atmosphere in conformity with the "open meetings law." Under no conditions hold private meetings.
5. Be patient. Do not be too anxious and eager to express support of any particular change in government. Implementation of the law is designed to allow plenty of time to study the present system and compare it with what is available. In addition, once you have expressed support for one system or another, it is awkward to back down and break alignments. Wait until it is time to decide to push your ideas. Don't "peak" too soon.
6. Do not expect automatic interest of the public. Apathy will prevail unless a crisis is prevalent or dramatic changes are recommended.
7. Avoid "legalese" in proposal. Do not hire lawyer to "clean up" language.
8. Be polite to current government officials. If they appear hostile, they may fear that your final recommendation may eliminate their office---whether elective or appointive.
9. Do not get hung up on issues that are not resolvable. For example, if agreement cannot be reached among the study commissioners concerning whether the proposed government should have a partisan or nonpartisan legislative body, decide as soon as possible to offer the "partisan, nonpartisan issue" as a suboption so your study commission does not become polarized over the issue.
10. Adhere to published schedules. Change meeting times only when a quorum is not available.

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11. Meet jointly with other study commissions in your area whenever possible. If anything to be done jointly, both commissions must make recommendation.
12. Direct surveys toward all voters, not just one segment of the community. (Use example of wrong type of survey--county employees. 54% of those responding said they thought there was duplication of job effort between county offices, yet only 15% said they would like any offices combined.) Utilize group such as Law or college students in political science classes to conduct survey.
13. Use process of elimination when deciding on possible forms--instead of tackling most controversial forms first, decide which ones you agree to eliminate. Define areas of agreement and disagreement..
14. Recognize that change for the better can result even without adoption of your recommendation (example, city street and county road departments Great Falls).
15. Encourage public participation. Form speakers bureau for service clubs, etc.
16. Be prepared to document conclusions (example, saving money through consolidation).
17. Determine early when you prefer to have the proposal on ballot.
18. Save adequate money for printing costs.

Jean Bowman

The people who work in local government may be uneasy about your review. Try to see things through their eyes. A good relationship with those in the government is essential because they will be the single most important source of information about the existing form. The people who are running the present form of government are the ones who know the most about it.

You also must have good relations with the press. This requires a member of the commission to cultivate good relations. Spend time with members of the press and make sure they understand what you are doing. Good rapport with the press will result in fair and regular coverage of what you are doing.

Doc Newberry

Adoption of your recommendations or their rejection by voters is not the sole measure of success or failure in your work because an important goal by the review process is to stimulate thought. The law, MAC 1983 7-3-182 is quite specific and states in part that the study commission shall use public hearings, community forums, and other suitable means, "to stimulate public discussion of its purpose, progress, conclusions, and recommendations." The key words are, "stimulate public discussion." The 1984 study commissions are a direct result of stimulation of public discussions by study commissions of ten years ago.

Your number one problem will be public apathy. There are some things you can do to counter it. First, you must have good relations

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with the media. Secondly, through the media invite the public to attend your meetings. After the conclusion of the business portion of your meeting, ask those who have attended to express their ideas. Often this will result in the expression of personal gripes. But even this might be useful if you ask the person what he would do about it if he had the chance. In any case, working at arousing public awareness is a part of your job which will not cease.

You have got to understand the operations of the government under review. Each member of the commission ought to be assigned the job of finding out what each officer is supposed to do. After the commission understands this, then interview each officeholder and get him to tell you what he does, how, why, what is good about it, what is bad about it, and what he would like to see be done. Whether listening to officeholders or members of the public, let them talk until they are finished.

Among yourselves, be willing to put disagreements on the back burner. Agreement sometimes emerges later. Waste no time studying in depth options that are not considered viable in your local government by at least one commissioner.

A speakers bureau is essential. Know the schedules of service clubs and other groups. Let them know you have a speaker available. Have the speaker avoid expressing his personal preferences. It is sufficient that the speaker explain the review process and answer questions. The first step is to get people interested in the process.

Dramatic changes are seldom possible, but incremental and evolutionary changes are often accepted. Few laws or governmental forms are accepted on the first presentation.

"Efficiency" in government is desirable, but not at the expense of weakening our American system of checks and balances, or the people's right to chose their public officials. Elect good people to public office and the result is good government under any of the optional forms being considered.

Jack Haffey

Probably the most important step is to establish a good work schedule. In Anaconda-Deer Lodge County, we emphasized that our work process was as important as identifying problems. We held about a hundred meetings. Most of our research on existing government and alternatives was done through interviews at these meetings. We also used the meetings to get public input. We held some meetings solely for this purpose. We also moved our meetings around different parts of the county. As we moved toward a consolidation proposal, we held some meetings in areas where the public was hostile. This was sometimes scary.

In our discussion, we emphasized achieving representativeness, responsiveness, and efficiency. We came to the conclusion that we did

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not necessarily have to fill all offices by election in order to achieve these goals.

Partisanship as a factor in the political process is more relevant as you move from the local level to the state and national level. . .

The fact that there is only one municipality in Deer Lodge County was a major consideration in recommending consolidation. What alternatives are appropriate depends on the characteristics of your community.

From my perspective in the State Senate, it is clear that while there are many bills each session of importance to communities with general government powers, communities with self-government powers are very much worth looking at.

"Success" would mean having done your job in such a way that citizens are able to cast informed votes.

Toni Hagener

Whatever the outcome of your labors, by the time you come to the end of your work you will have undergone a tremendous learning experience. You will learn where to get information and how to ask questions. Very likely, your interest in government will broaden, especially if city study commissions work with their county counterparts. For some, this will mean further involvement in government as it did for me when I became a county commissioner or Mr. Haffey when he moved from a county study commission to the State Senate.

You as volunteers will also learn how large and significant volunteer effort is in your local government.

As I engaged in the learning process, I found out that many of my previous critical opinions of local government were not well-founded. You have a responsibility to learn, to be objective, and to make recommendations. It is not part of your job to move certain people out or to further the interests of special groups. When you make your recommendations, you must be able to demonstrate how they will be implemented, what they will cost, and how they will work.

George Kurkowski

I began the study process with too much optimism and consequently ended up disappointed.

Our study commission got too far out in front of the public. Members concluded much too early in the process to opt for a city manager government. The public was not adequately prepared for a sudden departure from tradition. Unfortunately, to some people it looked like the commission was trying to force a city manager on the public.

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Do not begin with the adversarial assumption that your task is to weed out inefficiency. Most local government people are doing their best. So, approach you study with the idea that you are engaging in a partnership with officials and employees. At the same time, the commission must bridge long-standing divisions in the community such as that between the north and south sides in Miles City.

Judy Mathre

You will learn a lot. You have a responsibility to try to convey your new understanding to the community. No matter what the outcome of your proposals, your educational effort cannot do anything but help your community. Some of you will be undergoing a training which will lead into further involvement with local and state government. That is what happened to some of us. In a sense, we are the Class of '74 and you will be the Class of '84.

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**LOCAL GOVERNMENT  
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## HOW TO PREPARE A FINAL REPORT

### PREFACE

Each study commission is required by Montana law to prepare a tentative and a final report if they recommend an amendment or an alternative to their form of government (MCA 7-3-186). If no changes are recommended a final report must also be prepared and published. The form of the tentative and final reports will be quite similar as the law states that they must contain the same categories of information. These reports are very important because they may be the most effective method a study commission has of communicating with the electorate. The commission must take care, therefore, that its message is clearly and effectively conveyed by the reports.

This report presents some ideas about the possible arrangement and content of a final report. It also makes some suggestions for preparing minority and supplementary reports. It is not definitive. You are invited to use the information that will help you.

The document includes the statutory guidance for report writing, information on how to write the report, and suggested models of final reports. The model for a report recommending a change in government is based on a hypothetical situation in which a county study commission has decided to ask the voters to approve a change from the county commission form to a county manager form.

Models are included for minority and supplemental reports. If a study commission recommends a slight change or amendment to the form of government, the report format used for recommending an alternative form of government should be used.

The Local Government Center acknowledges Sandra Block, James Lopach, and Rick Reese, who prepared the original Study Commissioner's Manual on how to write a report which is found in the Local Government Review Bulletin, Vol. 3, No. 2, January, 1976. Much of this work is drawn directly from their excellent guidelines to Study Commissions.

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**U**  
**V**

## TABLE OF CONTENTS

	PAGE
PREFACE.....	1
TABLE OF CONTENTS.....	2
TIMETABLE REQUIREMENTS (MCA 7-3-186).....	3
REQUIREMENTS IF NO ALTERNATIVE IS RECOMMENDED (MCA 7-3-187 [3])....	5
Model Final Report	
HOW TO WRITE A MINORITY STATEMENT.....	6
Model Minority Report	
REPORT IF AN ALTERNATIVE PLAN OF GOVERNMENT IS RECOMMENDED (MCA 7-3-187 and 7-3-142).....	8
1. The Report's Introduction	
2. Model Table of Contents	
3. Letter to County Citizens	
4. The Report's Summary Statement	
5. Model Summary of Recommendations	
a. Findings of the Study Commission	
b. Key Provisions of the Proposed Form	
6. Notice Requirements for the Summary Report	
7. Comparison of Existing Form of Government and Proposed Form of Government	
a. Existing Form-Description of General Characteristics	
b. Proposed Form-Description of General Characteristics	
c. Comparison of Specific Characteristics	
8. Recommendation and Reasons	
a. Government Structures with Adequate Checks and Balances	
b. Government that is Responsive to Citizens	
c. Local Control over Local Problems	
d. A Government Structure that Allows Maximum Participation	
e. Government that is Efficient	
9. The Report's Certificates	
a. Certificate Establishing the Existing Plan of Government	
b. Certificate Establishing the Proposed Plan of Government	
c. Certificate for the Apportionment of Commissioner Districts	
d. Certificate Establishing the Date of the Special Election	
e. Certificate Establishing the Official Ballot	
f. Certificate Establishing the Dates of the First Primary and General Elections for Officers of the New Government and Establishing the Effective Date of the Proposal if Approved	
REPORT IF SPECIAL RECOMMENDATIONS ARE INCLUDED (MCA 7-3-187, 7-3-142, 7-3-188, and 7-3-189).....	40
1. Consolidation or County Merger	
a. Special Requirements if Consolidation is Recommended	
b. Special Requirements if County Merger is Recommended	
2. Disincorporation	
SUPPLEMENTARY REPORTS (MCA 7-3-190 as amended by SB 181, 1985)....	42
Model: Supplementary Report to the City of _____	

**U**  
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## TIMETABLE REQUIREMENTS

Timetable requirements for the tentative and final reports are found in MCA 7-3-186. Prior to the approval of the tentative report one or more public hearings for the purpose of gathering information regarding the current form, functions, and problems of local government must be held. The study commission then has the responsibility of formulating, reproducing and distributing a tentative report containing the same categories of information required to be included in the final report.

One or more public hearings must be held on the tentative report.

The study commission must adopt the final report and set the date for a special election on the question of adopting a new plan of government or, if no changes are recommended, publish and distribute the final report as provided in 7-3-187 within 60 days after the final report is adopted.

Each study commission is responsible for filing two copies of the final report with the the Montana Department of Commerce. A copy of the final report must also be submitted to the municipal or county records administrator (county clerk) within 30 days after the adoption of the final report.

Enough copies of the final report should be prepared for public distribution. The final report must be available to the electors not later than 30 days prior to the election on the issue of adopting an alternative plan of government. October 5, 1986, is the last day for adoption of the final report.

The study commission shall authorize the submission of the alternative plan of government to the voters at a special election to be held within 120 days of the adoption of the final report. The special election may be held in conjunction with any regularly scheduled election (MCA 7-3-192 [1]), but not later than the general election of November 4, 1986.

The timetable for supplementary reports is different from final reports (MCA 7-1-190 as amended by SB 181). Those reports shall be submitted to all appropriate governing bodies for reaction within 1 year.

If the alternative form of government is approved by the voters, the effective dates for establishing the government are found in Sections 7-3-156 through 7-3-161. The alternative form takes effect when the new officers take office, except as otherwise provided in any charter or consolidation plan. A consolidation or merger plan adopted by the electors takes effect in the same manner. Provisions creating offices and establishing qualifications for office under any apportionment plan become effective immediately for the purpose of electing officials. An amendment to an existing plan of government becomes effective at the beginning of the local government's fiscal year commencing after the election results are officially declared (MCA 7-3-156).

The advisory plan for orderly transition to a new plan of local government is prepared by the study commission. That plan may propose necessary ordinances, plans for consolidation of services and functions, and a plan for reorganizing boards, departments and agencies. The governing body of a local government may enact and enforce ordinances to bring about an orderly transition to the new plan of government. The ordinances should be consistent

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with the approved plan and necessary or convenient to place it into full effect (MCA 7-3-157).

The members of the governing body holding office on the date the new plan of government is adopted by the electors of the local government continue in office and in the performance of their duties until the governing body authorized by the plan has been elected and qualified, whereupon the prior governing body is abolished. All other employees holding offices or positions, whether elective or appointive, under the government of the county or municipality continue in the performance of the duties of their respective offices and positions until provisions are made for the performance or discontinuance of the offices or positions. A charter or a petition proposing an alteration to an existing form of local government may provide that existing elected officers shall continue in office until the end of the term for which they were elected or may provide that existing elected officers shall be retained as local government employees until the end of the term for which they were elected, and their salaries may not be reduced ( 7-3-158 MCA).

All ordinances and resolutions in effect at the time the new form of government becomes effective continue in effect until repealed or amended in the manner provided by law. Within two years after ratification of a consolidation plan, the governing body of the consolidated local government shall revise, repeal, or reaffirm all rules, ordinances, and resolutions in force within the participating county and municipalities at the time of consolidation. Each rule, ordinance, or resolution in force at the time of consolidation remains in force within the former geographic jurisdiction until superseded by action of the new governing body. Ordinances and resolutions relating to public improvements to be paid for in whole or in part by special assessments may not be repealed (MCA 7-3-159).

Within 20 days after an election where the new plan of government is approved by the electors, the governing body shall meet and order a special primary and general election for the purpose of electing the officials required by the new form of government. The elections for officials may be held in conjunction with any other election. The order shall specify a date for the primary election not less than 20 days or more than 120 days after the election approving the new form, and a date for the general election 60 days after the primary (MCA 7-3-160).

The first meeting of a new governing body for a new plan of government shall be held at 10 a.m., 60 days after the election of the new officers. At that time, newly elected members shall take the oath of office prior to assuming the duties of office. If the terms of the commissioners are to be overlapping, they shall draw lots to establish their respective terms of office (MCA 7-3-161).

(See Tabs E and F in the Study Commission Manual for information about timetable deadlines for report preparation.)

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REQUIREMENTS IF NO ALTERNATIVE IS RECOMMENDED (MCA 7-3-187 [3])

Every study commission must adopt a final report. When no changes are recommended it is not necessary to include the certificates required of those study commissions recommending change. The final report must simply state that no changes are recommended.

An example of a final report recommending no change follows:

\_\_\_\_\_ COUNTY GOVERNMENT STUDY COMMISSION FINAL REPORT

To the Citizens of \_\_\_\_\_ County:

The \_\_\_\_\_ County Study Commission elected by the voters on Nov. 6, 1984, or thereafter appointed present this final report to the citizens of this county.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our county government and procedures for delivery of local government services and compare them with other forms available under the laws of the State of Montana. If some change is deemed necessary, the study commission may submit such proposed change to the electors.

In the conduct of their review the study commission has sought advice and information from a number of people in the county. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. Public hearings were held to determine citizen opinion.

As a result of discussions held with the people and groups mentioned the \_\_\_\_\_ County Study Commission has concluded that there is general consensus that the existing county commission form of government has served this county well since its organization in 1865, and will continue to do so in the future. We therefore recommend no change in this form of government.

Respectfully submitted,

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\_\_\_\_\_ County Study Commissioners

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## HOW TO WRITE A MINORITY STATEMENT

Montana law allows for a signed minority report as part of the study commission's final report. Whether or not a commission minority decides to write a minority report is a matter of major political significance. It is of greater significance if attached to a report recommending change. Majority and minority opinions in the final report will present a public posture of division, focus the public discussion, and give a rallying point to opponents of the majority position. The decision to include a minority statement in the final report should be done considering its affect on acceptance of the proposal offered in the report and understanding the need for full public discussion.

A minority statement is obviously the work of a commission minority and therefore may be quite divergent in both form and substance from the majority's statement. But in the interests of public understanding it seems the minority report should parallel as closely as possible the formatting and arrangement of the majority's analysis. This could be done by reference or by repetition.

If the minority statement is organized along the lines of the majority report by reference, only the objectionable parts of the majority position would be cited. After each faulted part of the majority's statement is identified by heading or substance, the minority's objection would be stated succinctly in a paragraph. An optional approach preferred by the minority also could accompany the objection.

A minority statement organized by repetition of the majority report would list all of the majority's headings and subheadings and state either "no objection" or "objection." If there were objections, then the minority's position on the matter would be contained in a single paragraph. Organization by repetition of that majority report's format would seem to be most serviceable when the minority is objecting to a substantial portion of the majority's position.

These two approaches to the minority statement are suggestions and certainly not exhaustive of possible alternatives. A minority statement could be a signed statement of objection to all or part of the majority position, no more and no less. It could be a statement of objection backed up by general responses in one or two paragraphs. Or, a minority statement could be an entire counter position, presented by minority members in as effective manner as possible with little or no reference to the majority's statements.

A model minority report follows:

### \_\_\_\_\_ COUNTY STUDY COMMISSION MINORITY REPORT

We, the undersigned members of the \_\_\_\_\_ County Study Commission met to study the existing form and powers of the county government and the procedures for delivery of local government services and compared them with other forms available under the laws of the state of Montana. Though the study commission agreed that no changes should be made, we believe that some recommendations should be given to the county commissioners in the form of a

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supplementary report. Since there was minority support for such a recommendation we submit that opinion in the form of this minority report.

\_\_\_\_\_ County has experienced 10.6% growth in the last decade. Growth has brought changes. It has been difficult for county government to meet the needs of the county because of these changes. There is increased pressure to construct new roads, to carefully plan subdivisions, to provide garbage collection and landfill services, to meet the need of welfare clients, and to keep up with the demands of government on a day to day basis. It is our considered opinion that the county commission is in need of more professional advice. It is very difficult for people who may or may not be trained as managers and policy makers to be faced with the variety of problem situations that arise today in county government. While we believe that the current form of county government is adequate, we also believe that the county commission needs help that is not currently available.

The budget of the county is adequate to meet the cost of hiring an administrative assistant to the county commission. We believe that the cost of hiring such a person will be easily made up by increased efficiencies and better decision making on the part of the legislative body.

We therefore recommend that the county commission hire an administrative assistant to do needed research on a variety of issues but primarily to work in financial administration, and to provide advice on a day to day basis to the county commission.

Respectfully submitted,

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County Study Commissioners

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## REPORT IF AN ALTERNATIVE PLAN OF GOVERNMENT IS RECOMMENDED

The final report will be the study commission's most effective means of communicating the detail of its work and recommendations to the voters. Up to the time of the report's preparation many people will have heard nothing about the study commission. The report will help both citizens and the news media to understand the meaning of the Voter Review Process in their area. The final report may be some voters' sole contact with local government review information prior to election day.

### The Report's Introduction

The report's introduction should be a brief and concise description of the nature of the Voter Review process in the home community. As such, the following items could be included:

1. Identification of study commissioners;
2. Legal authorization of study commission--for example, a very brief summary of the appropriate constitutional and statutory requirements;
3. Short statement of study commission's purpose and responsibilities;
4. The Voter Review timetable for the study commission's community; and
5. A brief summary of the study commission's work to date; for example, hearings, formation of a joint commission, use of consultants and expert help, and plan of work.

The final report's introduction sets out the nature and purpose of the document. It represents the study commission and its work to the citizens. Its tone should be direct and friendly, and, because of its intent to engage the voters, a letter format may be most appropriate (see page 9 below for example).

One additional matter needs to be taken care of at the front of the final report. A table of contents will help the reader to see the interrelationship of parts of the report and to anticipate the commission's unfolding argument. The table of contents could precede or follow the introduction or be included in its text.

A model report follows:

### TABLE OF CONTENTS

- I. LETTER TO THE CITIZENS OF THE COUNTY
- II. SUMMARY OF RECOMMENDATIONS
  - A. Findings of the Study Commission
  - B. Key Provisions of the Proposed Form
    1. Self-government Powers

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**V**

2. Separation of Legislative and Administrative Functions
3. Chief Administrative Officer
4. Representation
5. Community Councils

### III. COMPARISON OF EXISTING FORM OF GOVERNMENT AND PROPOSED FORM OF GOVERNMENT

- A. Existing Form - Description of General Characteristics
- B. Proposed Form - Description of General Characteristics
- C. Comparison of Specific Characteristics
- D. Recommendations and Reasons

### APPENDIX

Exhibit A: Certificate of plan of existing form of government

Exhibit B: Certificate of plan of proposed form of government

Exhibit C: Certificate establishing Apportionment Plan

Exhibit D: Certificate establishing election date

Exhibit E: Certificate establishing form of the ballot

Exhibit F: Certificate establishing dates of elections for officers of new government if proposal is adopted, and establishing the effective date of the proposal if approved

#### I. LETTER TO CITIZENS OF \_\_\_\_\_ COUNTY

To the Citizens of \_\_\_\_\_ County:

The \_\_\_\_\_ County Study Commission elected by the voters on November 6, 1984, or thereafter appointed, present this final report to you, the citizens of \_\_\_\_\_ County.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." After completing these two phases of the study it is the responsibility of the study commission to submit a final report recommending no change, or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in the county as possible. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. Commission members appeared before various community organizations to explain the work of the commission and also to hear the

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viewpoints, ideas, and concerns of those present. Public hearings were held; a survey of citizen attitudes was made.

Our recommendations reflect the thoughts and opinions of those who participated in public hearings, those who attended our regular meetings, and those who responded to a survey, in addition to the independent efforts of this study commission.

In this final report we present our recommendations for an alternative form of government that we feel will provide the governmental services expected by the people both today and in the future. Our concern has been to provide a form of government that will be responsive to local citizens and provide the opportunity for devising solutions to local problems. We feel the citizens of \_\_\_\_\_ County can achieve these goals by adopting the Commission-Manager form with self-government powers.

The question of adopting this alternative form of government will be placed on the ballot November 4, 1986.

We solicit your support for its adoption.

Respectfully submitted,

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County Study Commissioners

#### The Report's Summary Statement

Citizen interest in local government affairs normally is low. A study commission cannot expect that every citizen picking up a final report will read it from front to back. Many citizens, though, may read a clearly marked "summary statement" located toward the front of the report while they would not be interested in pursuing the arguments behind the summary conclusions. The "summary statement" also can function as a news release; as such, it would be convenient for the study commissioners and could reinforce citizen attitudes gained from a prior reading of the report.

The final report summary should briefly address three separate items. First, the commission's findings concerning the present governmental situation should be summarized. This amounts to a listing of the key government-related problems in a community that give rise to consideration of government change. Voters will ask, "Why is change desirable?" Here, the study commission's answer is presented briefly and concisely.

The second part of the "summary statement" is the study commission's

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recommendation to the voters. Later in the final report the study commission will give a detailed analysis of its recommendation to the voters; but here this recommendation is condensed into a few sentences. A reader of the "summary statement" will know specifically what governmental change the study commission is endorsing and placing on the ballot. In the "summary statement" the recommendation is backed up by the authority of the study commission rather than by a recapitulation of its work.

Third, the "summary statement" should include the reasons for the commission's recommendation in abbreviated form. Later on in the final report, the study commission will compare features of the present and proposed forms of government and evaluate their relative performance in terms of a number of criteria. Only the most important of these conclusions should be contained in the "summary statement." The reader should be presented with a concise formulation of the most convincing arguments for change.

A model summary statement follows:

## II. SUMMARY OF RECOMMENDATIONS

The \_\_\_\_\_ County Local Government Study Commission having thoroughly studied our present form of county government and the alternative forms of government available to counties under state law, and having studied the future governmental needs of this county, recommends the following:

1. \_\_\_\_\_ County should adopt, effective June 5, 1987 the commission-manager form of government with self-government powers. A commission, or elected legislative body, of five (5) members shall be elected for four (4) year terms of office. Three (3) members shall be elected from districts in which they reside and which are apportioned by population. Two (2) members of the commission shall be elected at-large. Community councils of three members shall be elected in each district.
2. The question of whether or not elections shall be conducted on a partisan or non-partisan basis shall be submitted to the voters of the county as a sub-option as authorized in MCA 7-4-413.
3. The question on the form of government and the sub-option shall be submitted to the voters of \_\_\_\_\_ County on November 4, 1986.

### A. Findings of the Study Commission

After an intensive study of almost two years, it is the decision of the study commission to recommend changes in the structure and power of county government that will provide a governmental framework to meet the changing needs of this county. Problem areas that were identified during the course of the study by research, discussion, public hearings, testimony of public officials, and citizen surveys indicate that in exercising its traditional functions, county government lacks the authority it needs. If county government is to play a wider role it must have adequate legal authority to act; it must also have more control over its organizational structure so that it can act effectively and oversee the performance of county functions.

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The "traditional" form of county government has existed in \_\_\_\_\_ County since the creation of the county in 1885, and is basically the same government as was originally described in the 1889 Constitution. The form still reflects its "traditional" role as an administrative arm of the state government in its organizational structure. Its duties are detailed in state law, and its authority to deal with local problems is limited.

The needs of the county, however, have changed since 1885. Population is increasing rapidly, population patterns are shifting, and citizen demands for services are rising. Population patterns indicate that the greatest population increase is taking place outside the incorporated cities of the county. While the population of the urban areas increased by 12.4% during the last 10 years, the rural non-farm growth increased by 37.2%. This population increase is placing heavy new demands on county government to provide urban services such as sewer, water and refuse disposal. To effectively respond to these growing needs, county government must modify its structure and authority. The study commission also believes that a separation of legislative and administrative functions is needed to provide "checks and balances" in county government.

Other areas of concern also emerged during the course of the study which affected the study commission's choice of an alternative form. Citizen response to the survey which was conducted, and testimony at the public hearing, indicated that citizens are concerned about local decisions not being made at the local level, about the quality of services (especially roads), about the level of taxes, and about the lack of leadership and citizen participation in county government. These frustrations and expectations of citizens and local officials alike, in addition to the changing role of county government, and growing needs of the county, led the study commission to identify 5 basic community goals:

1. Local control over local problems
2. Government that is responsive to citizens
3. Government that is efficient
4. A government structure that allows maximum participation by citizens
5. A government structure with adequate "checks and balances"

In an attempt to achieve these goals, the study commission has recommended a commission-manager form of government with self-government powers, a larger commission, and community councils.

#### B. Key Provisions of the Proposed Form

##### 1. Self-Government Powers

Under the 1972 State Constitution, the potential power and authority of local government has been changed. Traditionally, the power over governmental concerns of the county has been the prerogative of the State Legislature. The legislature decided what county government should do and how it should do it.

The new constitution provides that "self-government powers" can be

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adopted by counties along with an alternative form of government. The adoption of self-government powers would alter the traditional relationship between the state and the county. Certain areas of control would be transferred from the state legislature to the county commission. Some decisions that are now made on a state-wide basis by the legislature could be made at the county level. State-wide uniformity, while still mandated in certain areas, could be replaced in other areas with procedures tailored to the particular needs of our county. Self-government powers would mean greater flexibility in shaping our governmental structure, greater power to solve our own problems, and more responsibility to recognize and deal with these problems.

## 2. Separation of Legislative and Administrative Functions

In its traditional role as an administrative arm of state government, the organizational structure of the county may have been adequate. This structure of eleven separate elective offices and a three member commission, however, has weaknesses that do not allow it to adequately handle the increased responsibility in county government. The existing county commission lacks the authority to determine county-wide needs, priorities and policies. The existing government lacks an administrative head, a person responsible for supervising the functions and services provided by county government to see that the goals of the county are carried out as efficiently as possible. At present, these functions and services are provided by eleven separate offices and twenty two (22) boards, commissions, and special districts. No one in county government has the authority to coordinate these offices and boards or to supervise their programs. Many are substantially independent of any control.

In the proposed form of government a commission of five members will act as a legislative body with the power to formulate county policy. The commissioners will have the authority to enact ordinances to carry out that policy. The responsibility of administering and enforcing these ordinances lies with the county manager.

## 3. Chief Administrative Officer

The county manager, a professional administrator hired by the commission "on the basis of merit only," is responsible for the administration of the programs and policies determined by the commission. Subject to the commission's general direction, the manager controls the hiring and firing of county personnel, directs and supervises the administration of all departments, prepares the budget, and is in charge of the business affairs of county government. The manager serves at the pleasure of the commission and may be replaced at any time.

## 4. Representation

Creating a commission of five (5) members will provide a legislative body large enough to insure adequate representation and small enough to be efficient. The method of election--three members elected by district and two elected at-large--will allow the interests of each district to be represented, but at the same time those elected at-large will provide a county-wide perspective.

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## 5. Community Councils

In each of the three commissioner districts a "community council" will be elected. Composed of three members, the community council will maintain regular dialogue with the commissioner from that district and will keep him or her informed as to the needs and interests of the residents of the district.

### Notice Requirements for the Summary Report if an Alternative is being Recommended

The requirements for the summary report are found in 7-3-191. Each study commission shall publish once each week for 2 successive weeks in a newspaper of general circulation throughout the area of the affected local government a summary of its findings and recommendations, together with the address of a convenient public place where the text of its proposal may be obtained. The summary shall include a comparison of the existing and proposed plans of government.

The summary shown above may be too long for newspaper publication. You may decide to publish the recommendations for change, the first part of the summary given along with the chart comparing specific characteristics of the present and proposed forms of government (see charts pp. 23-24).

### Comparison of Existing Form of Government and Proposed Form of Government

The comparison of the two forms of government should include at least three separate parts. First, the forms should be compared in terms of their general characteristics, such as required positions and departments and lines of authority. Second, the present and proposed forms should be compared in terms of specific governmental characteristics. This more detailed analysis will lead to a judgment of each form's strengths and weaknesses from many perspectives. Third, the study commission should make its recommendation to the voters and give reasons in support of its position. The basis of the recommendation should be an overall evaluation of each form according to several classical standards of governmental performance. These three procedures for comparing governmental forms will be discussed below.

#### 1. Comparison of General Characteristics

The aim of this comparison is to depict the fundamental relationships and reporting lines in the two governmental forms. Two methods should be used in order to accomplish this objective: an organization chart and an explanatory narrative. The graphic display and accompanying discussion will point out some general but crucial differences between the forms and set the stage for a more detailed comparison which will follow. These fundamental points of comparison include the degree of separation between the executive position and legislative body, the degree that administration is formally centralized, the relative mix of appointed and elected officials, and opportunities for direct citizen participation. The initial comparison, therefore, sets out only a broad comparative framework.

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## 2.Comparison of Specific Characteristics

A more detailed analysis is necessary in order to appreciate the significant differences between the present and proposed forms of government. This second step in comparing the forms focuses on the nature and function of the governmental offices and machinery. Whereas the first step gives the reader a graphic overview of the two forms, this step takes the reader on a guided tour of both structures. Such a comparison has four components: the specific structural characteristic being compared; its appearance and definition in the old form; its appearance and definition in the proposed form; and the study commission's evaluative comments on the incorporation of the specific governmental characteristic in the two forms. The comparison of the present form discussion and proposed form discussion with respect to each specific feature naturally leads to the commission's judgment of relative merit. This series of judgments will serve as the basis of the commission's recommendation to the voters.

An effective method of presenting the four categories of information in this comparison appears to be a tabular arrangement. This table would be introduced by an explanatory paragraph and would be constructed with four columns: structural characteristic, present form of government, proposed form of government, and evaluative comments.

The "structural characteristics" column appears first in the table. Its function is to alert the reader to the basis for the comparison which follows. Study commissions should be careful not to make their column headings too broad or general. More specific items will focus the discussion in the subsequent columns and allow a more meaningful judgment in the "evaluatory comments" column. There are many possible ways of characterizing, arranging, and formatting these "structural characteristic" columns. The following scheme is only suggestive:

- Chief administrative officer
- Appointment powers
- Budget powers
- Veto powers
- Administrative assistant
- Commission size
- Commission terms--arrangement
- Commission terms--length
- Commission election districts
- Commission presiding officer
- Commission administrative function
- Elections--partisan or non-partisan
- Boards and commissions
- Community councils
- Elected officials
- Powers authorization

The "present form or government" column in each comparison should spell out if and how the structural feature in point appears in the existing government. The discussion should be extremely brief--one short paragraph is recommended. Back up data in the form of charts, tables, or figures (such as number of employees, tax base, population change) should be referenced in the table and located in an appendix. To the degree possible, information in this

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column should be supportive and reflect the study commissioner's judgment in the "evaluative comments" column.

The "proposed form of government" column serves the same purpose in the comparison with respect to the alternative form as the "present form of government" column does for the existing government. As above, the discussion should be brief and data that is necessary and can be graphically displayed should be noted and placed elsewhere. Any structural features of the alternative form which will be presented to the voters as a ballot sub-option should be clearly indicated.

The "evaluative comments" column is the logical development from the parallel discussion of the two forms on each structural point. Here the study commission briefly and concisely says which form is best with respect to the characteristic being considered. This column will consist of a series of judgments of the relative worth of the two forms. These evaluations will be anchored to the concrete observations of the preceding two columns. If extensive back-up argument or data is felt to be necessary in the "evaluative comments" column, the study commission should, again, make reference in the column to its inclusion in the appendix.

(See tabs G and I in the "Study Commission Manual".)

### 3. Recommendation to the Voters

The preceding comparative analysis will lead to a series of judgments about the relative merit of the two competing governmental structures. These judgments will probably have focused on specific operational aspects of a county or municipal government. Taken together they will allow a study commission to make an overall judgment of the relative worth of the two forms and to make a recommendation to the community's voters. This last step in the comparison of the present and proposed forms of government sets forth your recommendation and the reasons behind it.

There should be two parts to this section: "Recommendation" and "Reasons". The recommendation of the study commission to the voters should be expressed in an introductory paragraph that is direct, brief, and concise. Here the study commission says that form "X" is preferable to form "Y". Then the commission states its criteria for this recommendation. Typical criteria widely used to compare forms of government are: economy, efficiency, representation, responsiveness, accountability, checks and balances, leadership, and planning.

A study commission could list all of these eight criteria, some of them, none of them, or some other fundamental evaluative standards. The point is that the reader's attention at this time should be focused on a method of overall assessment and of justification of the commission's recommendation.

A model follows.

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### III. COMPARISON OF EXISTING FORM OF GOVERNMENT AND PROPOSED FORM OF GOVERNMENT

#### Existing Form

##### Description of General Characteristics

Policy-making and administrative structure. The "traditional" form of county government has existed in \_\_\_\_\_ County since the creation of the county in 1885. It is basically the same government as described in the 1889 constitution; in structure and powers it reflects its role as an administrative arm of state government. It can best be described as a collection of 14 somewhat autonomous administrative offices consisting of a commission of three members and eleven elected officials. In addition, many boards, commissions and special districts operate within county government.

The three member board of county commissioners is elected by the voters of the county for six year overlapping terms; the term of one commissioner expires every two years. Each commissioner must reside in the district he or she represents but commissioners are elected at-large on a county-wide basis. Elections are partisan.

The commissioners serve as the executive branch of the county government and are responsible for the administration of the business affairs of the county as outlined in state law. They approve the county budget, levy taxes, issue bonds, enter into contracts, approve claims, and may buy, sell and lease county property. They also have the responsibility to appoint members of boards and commissions and any department heads who are not elected.

Under the existing form of government, county commissioners have rather limited authority to supervise officials and employees of the county government. They can supervise those whom they appoint but the only control they have over departments headed by elected officials is through the county budget. They also have some authority over the salaries and number of deputies which the elected officials may have.

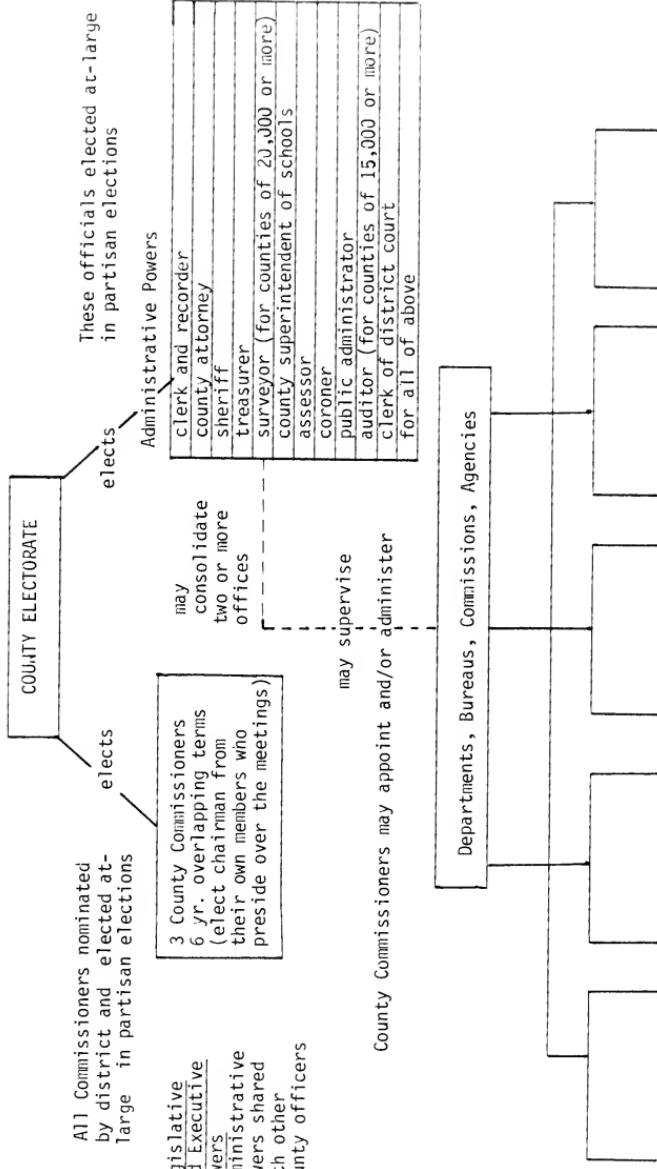
In addition to the three commissioners, there are eleven other elected officials under the existing form of county government:

- Sheriff
- County Attorney
- Clerk and Recorder
- County Superintendent of Schools
- Surveyor
- Coroner
- Public Administrator
- Treasurer
- Clerk of District Court
- Assessor
- Auditor

The salaries as well as the powers and duties of these officials are determined by state law under the existing form, and each official is nearly

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**EXISTING  
FORM OF GOVERNMENT**





independent from the supervision of the commissioners or from any other central administrative authority.

Numerous boards, commissions and special districts also operate in the county to administer services. These governmental bodies range in authority from advisory agencies which are subordinate to the commissioners, to those which operate independently of commission control. Members of these various boards may be appointed by the county commissioners or in some cases are elected.

Structures for the delivery of services. In some instances the county is acting as an agent of the state in providing "traditional" services such as elections, property tax collections, and so forth, but increasingly county government is involved in providing urban-type services. Major county provided services include:

- Elections
- Record Keeping Functions
- Financial Administration
- Maintenance of Roads and Bridges
- Agricultural and Rural Services (such as county fairs, Cooperative Extension Service, weed, Insect, rodent and predator control programs, and rural fire protection)
- Public Safety and Judicial Administration (such as law enforcement, county attorney, and justice courts)
- Social Services (such as welfare, health, hospitals and nursing homes, and ambulance services)
- Recreation
- Parks
- Planning and Development

Under the existing form of government some services are provided by elected county officials (for example, the Clerk and Recorder, Treasurer, Sheriff, etc.) while others such as libraries, airports, health services, weed control, etc. are provided by the numerous boards and special districts mentioned above. In some cases, these boards and districts provide services in instances in which the county, under existing state law, does not have the authority to provide services directly.

Power and authority of county government. One of the most important provisions in the proposed form of government is self-government powers. Under the existing form of government, \_\_\_\_\_ County operates with limited powers which are restricted by the so-called "Dillon Rule." This judicial interpretation states that local governments have only those powers specifically granted to them by the State Legislature. It further provides that if there is any doubt as to the existence of a local government power, the power is to be denied.

#### Proposed Form

#### Description of General Characteristics

Policy-making and administrative structure. Under the commission-manager form, five commissioners are elected, three from districts and two at-large. Terms are four years and are overlapping. The question of whether or not



commissioners should be elected on a partisan or non-partisan basis will be determined by the voters on November 4, 1986.

The commission would make policy, pass ordinances and resolutions, review, modify, and approve the budget, determine the department structure of county government, appoint boards which are continued and possibly eliminate other boards and place their functions under direction of the manager. The commission also appoints the county manager and can replace him at any time.

The manager is responsible for carrying out the policies that are set by the commission. He would prepare the budget, hire and fire employees (except as provided by law or ordinance), and supervise all departments. The manager would provide centralized administration and county-wide coordination of government operations.

Under the proposed form, administrative responsibility and authority are centralized under the office of the manager. There are no elected administrators, only policy-makers are elected. The commissioners are the policy-makers and the legislative body of county government. They appoint the manager and the manager carries out and administers the policies and ordinances of the commission. The manager has no vote on the commission and no veto authority over commission ordinances and resolutions. The manager is responsible to the commission and may be replaced at any time by the commissioners.

In addition, under the proposed form there are community councils. These councils will serve as advisory bodies to discuss the concerns of the people of each commissioner district with the commissioner from that district.

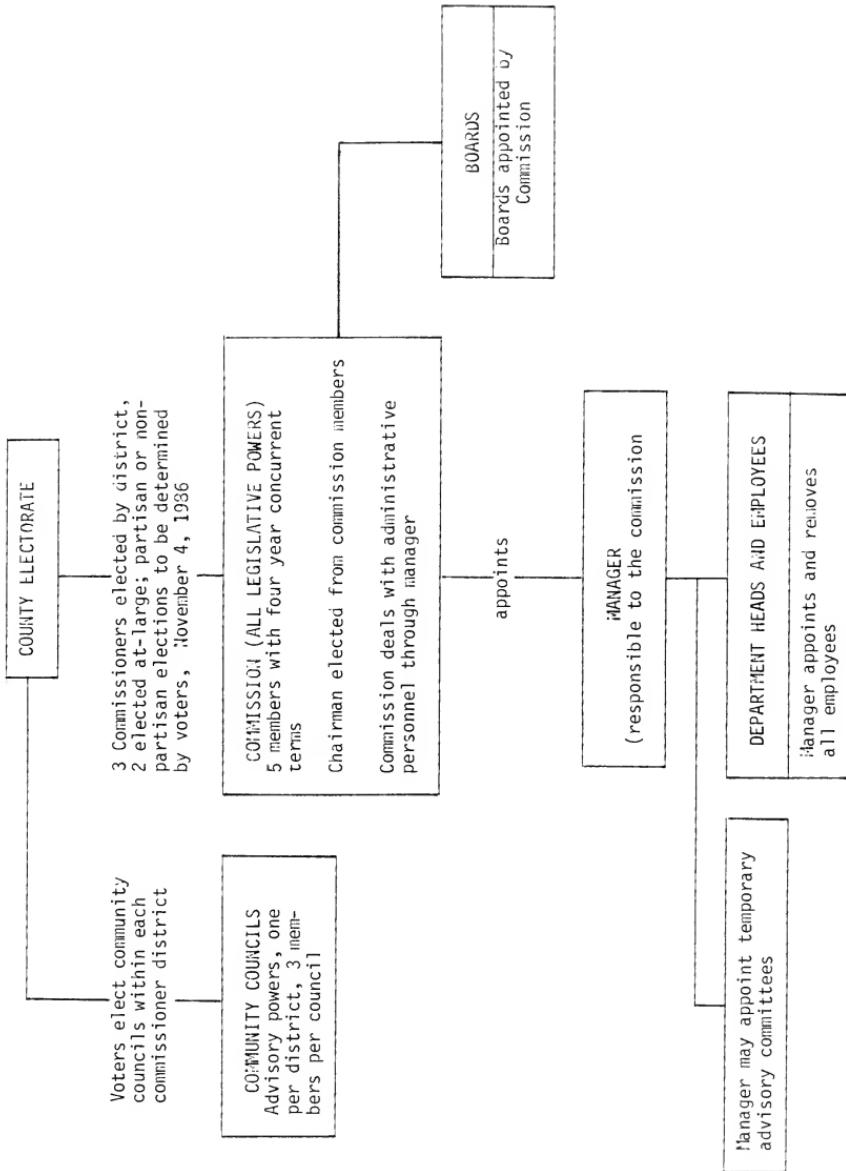
Service delivery structure The study commission is proposing a form of government in which the county commissioners could decide whether or not to provide services directly or whether to use a board or special district. Under the existing system these decisions are made at the state level. Under the proposed form of government the county could create several departments which would provide services directly and under the central administration of the manager and his staff. The county commissioners could, for example, create a Rural Services Department which would enable the county to provide weed control, county fair, extension, and predator control services directly rather than having to go through a board or special district. Accountability and responsibility could then be pinpointed in the commission and their manager rather than in eleven elected officials and dozens of boards and special districts.

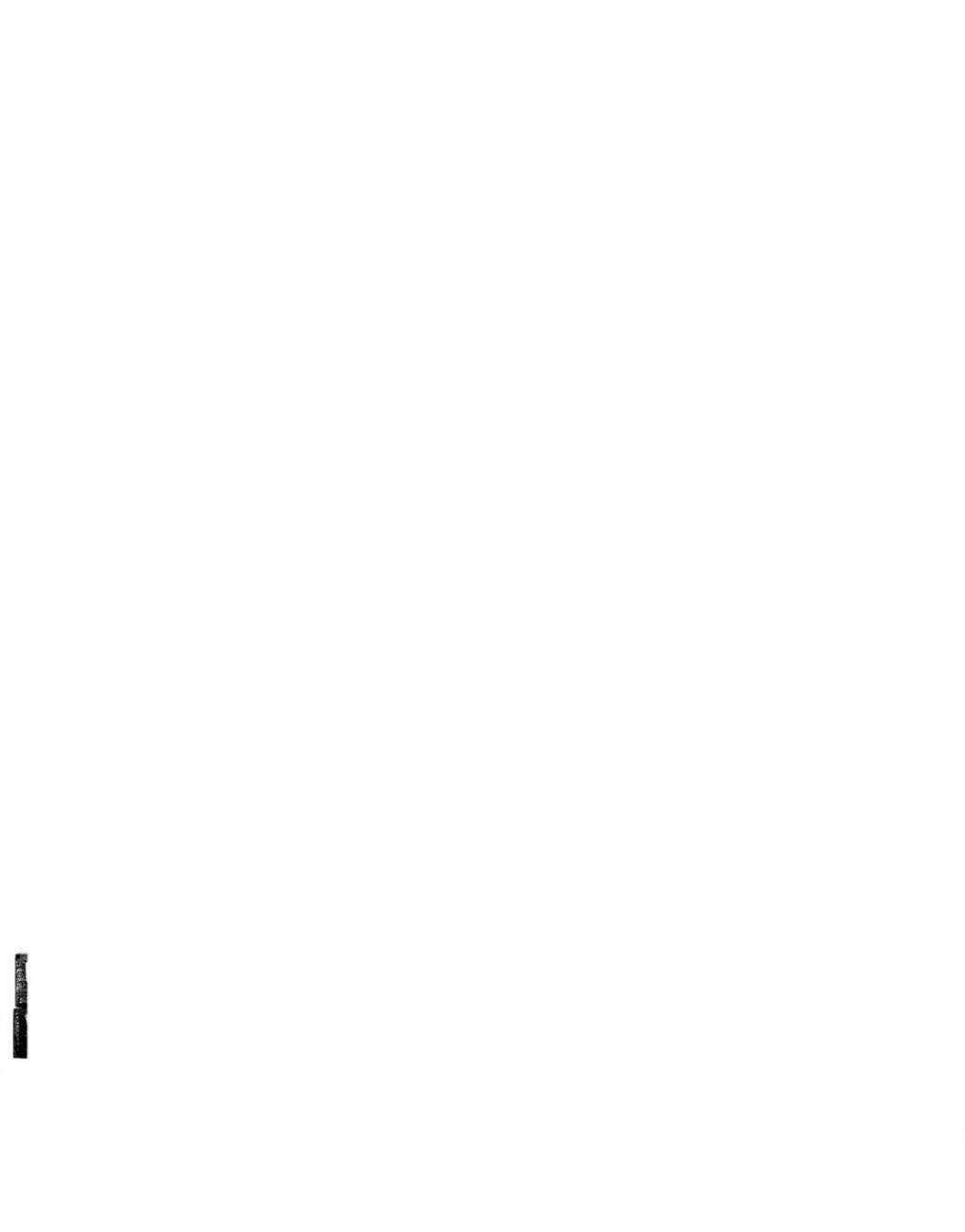
Powers and authority Under provisions of the 1972 Montana Constitution and state laws passed in 1975, voters in Montana counties, through the proposals of their Local Government Study Commissions, can choose a different kind of power and authority for their county government. This arrangement of state-local power sharing is called "self-government powers." Self-government powers means that a local government with those powers can take any action or engage in any activity unless specifically prohibited by the State or U.S. Constitution, state law or local charter. Essentially, this is a reversal of the old rules regarding local government powers in that there is no need for a grant of powers, since the local unit is free to act unless prohibited.

In a law adopted in 1975, the State Legislature stipulated those powers

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PROPOSED FORM OF GOVERNMENT





and authority which would be denied to local governments with self-government powers. In a few pages the legislature reserved a series of powers and functions to the state. Most of the powers denied to local government were retained by the state because of the necessity of state-wide uniformity in several important areas such as the conduct of elections, law affecting private or civil relationships, fish and game, etc. or to safeguard "due process" and individual rights of the citizens of the state.

But even with these limitations, local governments adopting self-government powers will have the freedom to determine their own internal structure including departments, boards, bureaus, and commissions and to determine the type, level and method of providing services such as roads, health services, fire and police protection, libraries, parks, water and sewer services, and solid waste disposal. Self-government units will have the power to determine their rate of taxation, and, with the exception of sales or income taxes, the type of taxes to be levied.

#### Comparison of Specific Characteristics of Existing and Proposed Forms of Government

The following chart compares thirteen characteristics of the existing form of county government with the proposed form of government. Under the last column entitled "comments" the study commission has included short summaries of why they are proposing some changes in each area (see pages 23-24).

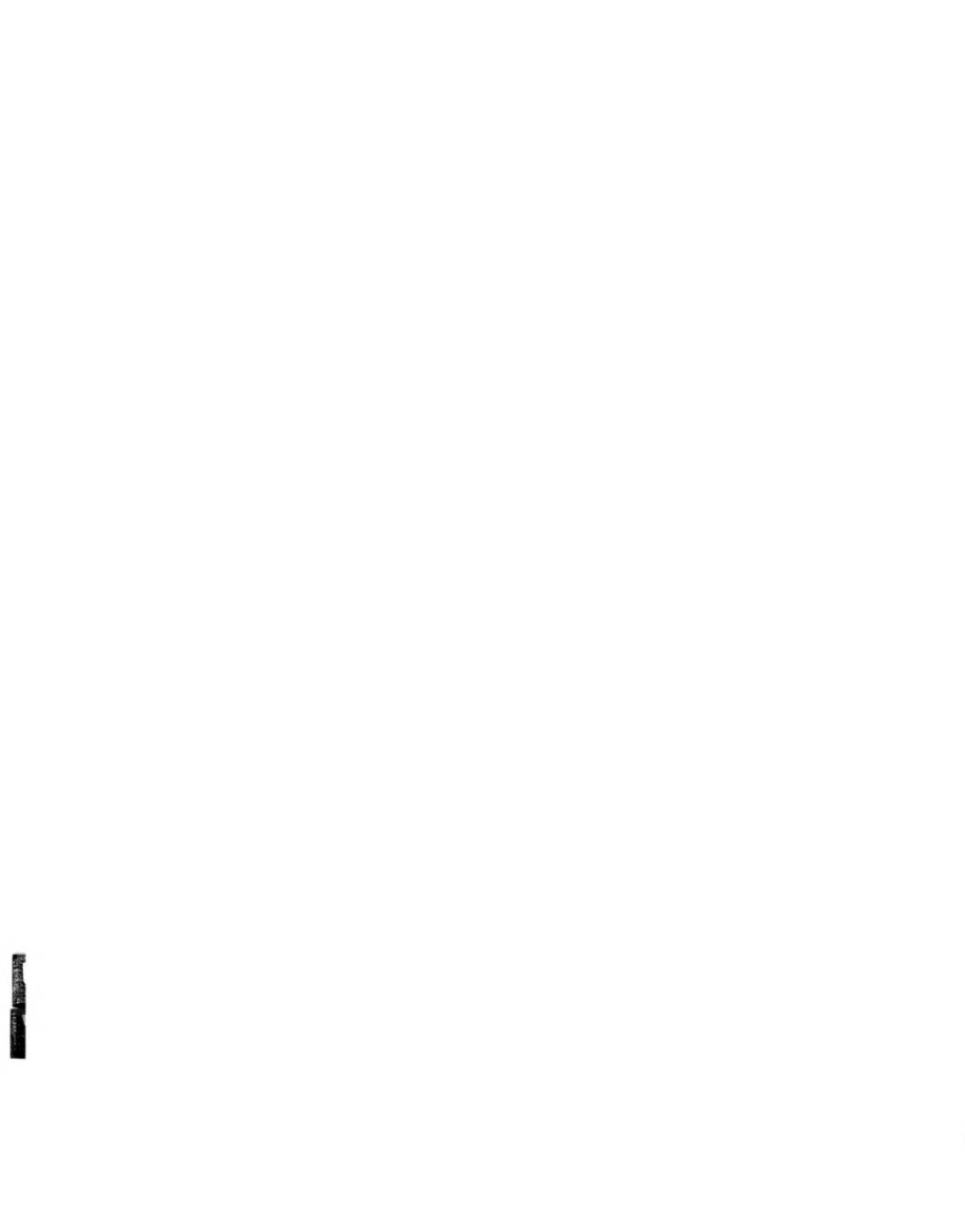
#### Recommendation and Reasons

The first responsibility of the study commission was to study and evaluate the present form of government in this county; the second responsibility was to compare the existing form with alternative forms available to Montana counties; and then to decide whether or not to offer an alternative that can best meet the needs of this county to the voters.

The decision of the \_\_\_\_\_ County study commission to recommend a commission-manager form with self-government powers is made in the belief that such a government can best meet county needs as identified during the course of this study.

Citizen response to a survey that was conducted, and testimony at the public hearing, indicated that citizens are concerned about local decisions not being made at the local level, about the quality of services (especially roads), about the level of taxes, and about the lack of leadership and citizen participation in county government. A major concern of our county commissioners was their lack of authority to deal with many local problems, and especially their lack of authority to supervise and coordinate the many independent county offices. Although held responsible for county operations, they actually have little supervisory control over these operations.

In addition to these concerns of citizens and local officials, the study commission considered what population growth in our area would mean for county government. While the population of the urban area increased by 12.4% during the last 10 years, the rural non-farm growth increased by 37.2%. This increase is placing new demands on county government to provide urban services such as sewer, water and refuse disposal.



**CHARACTERISTIC**      **PRESENT FORM OF GOVERNMENT**      **PROPOSED FORM OF GOVERNMENT**

**EVALUATIVE COMMENTS**

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Form of Government	COMMISSION FORM Merges legislative, administrative and executive functions in commission.	COMMISSION-MANAGER FORM Elected commission determines policy. Manager hired to administrate policy.	Separation of legislative and administrative responsibilities. Manager appointed on basis of experience and training.
Powers	GENERAL GOVERNMENT POWERS State law defines what government may do and specifically how it shall do it. Little power to pass ordinances.	SELF-GOVERNMENT POWERS County government shall exercise any power which the state does not deny. Legislative power vested in the Council.	Self-Government Powers bring to the county the right to act in its own best interest, and great flexibility in shaping government structure.
Governing Body			Increase in the size of the commission will allow greater representation. District representation assures the commission viewpoints from all sections of the county. At-large commission will offer countywide perspectives.
Size	3 commissioners nominated by district, elected at-large.	7 member commission, 3 elected in district in which they reside, 4 elected at-large.	Shorter terms on a concurrent basis should cause commission to be more responsive to voters.
Election Term	Partisan 6 year overlapping terms	To be determined by vote. 4 year concurrent terms	
Presiding Officer	Chairman--Elected from own members.	Chairman--Elected from own members.	
Duties	Commission is responsible for executive and many administrative functions. Administrative powers are shared with other elected officials.	Commission is the legislative policy making body. Hires a professional manager to administer all departments.	Frees commission from administration responsibilities to concentrate on policy-making role.
Other Elected Officials	11 separate elected officials: Clerk & Recorder County Attorney Sheriff Treasurer Assessor Clerk of Court Surveyor Auditor Public Administrator	None	Independent offices brought under supervision of manager. Qualifications for offices can be established.



CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Chief Administrative Officer	None Administrative responsibilities shared by commissioners, elected officials, and various boards, etc.	COUNTY MANAGER Directs and supervises the administration of all departments.	Better overall coordination is possible. Clear lines of authority and responsibility.
Appointment Powers	Commission appoints department heads not elected; members of boards, commissions, special districts.	COMMISSION: Appoints and removes County Manager, members of boards and commissions.  COUNTY MANAGER: Appoints and removes all department heads and employees. Temporary advisory committees.	Department heads appointed on basis of qualifications. Responsible to County Manager. Members of boards and commissions continue to be appointed by the Commission.
Budget Preparation	Clerk & Recorder prepares budget with officials and/or approved by commission.	Manager prepares budget. Commission modifies and/or approves.	Manager can balance priorities set by commission with available county-wide resources, also balance needs of individual departments with overall needs and resources of county.
Service Delivery Structure	Performed by elected offices and appointed boards, commissions and special districts.	County activities could be grouped into a few departments on basis of function. Services performed by departments under supervision of county manager.	Many functions now performed by independently elected offices or substantially independent boards are brought under supervision of a professional manager and commission control.
Citizen Participation	Community Councils	None	Should encourage citizen involvement by providing a structure for participation.
			Provides for community councils of three members from each district within the county.



Taking into consideration the frustrations and expectations of citizens and local officials alike, along with the changing role of county government and the growing needs of the county, the study commission identified five basic criteria or goals which the recommended form should meet. The proposed form of government would fulfill these goals in the following ways:

#### Government Structures with Adequate Checks and Balances

A major problem in the existing form of county government is that there is no separation between policy-making and administrative functions. Commissioners, for example, formulate, approve, and administer the county budget. A commission-manager form will provide a separation of legislative and administrative functions. Elected commissioners will determine which programs and services will be provided by the county; the manager's responsibility will be to administer those programs in the most effective, efficient manner.

#### Government that is Responsive to Citizens

County government that can respond to citizen needs must first have adequate representation so that all interests in the county are represented; second, it must have sufficient authority so that it can take action when necessary; and third, it must have an administrative structure that can effectively provide services and carry out programs.

In the opinion of the study commission, the present form of government has weaknesses in structure and authority that prevent it from accomplishing these goals.

It is questionable whether a commission of three members is large enough to represent the many diverse interests of a county with two incorporated cities, several unincorporated areas, a rural farm population, and a growing "suburban" population. Each of these population groups has specific problems that county government must deal with, and it is doubtful that three commissioners can represent these interests. The three commissioners elected by district in the proposed form would insure a voice for the rural, suburban and city population, while the two commissioners elected at-large would represent the interests of the county as a whole. In addition, community councils elected in each district would provide further representation.

The term of office for county commissioners in the proposed form has been reduced from 6 years to 4 years. Having to face elections more frequently should help make commissioners more responsive to the people of the county. A shorter term of office, plus making the office of county commissioner a part-time position could also stimulate greater interest in running for county office. Under the proposed form, county commissioners would be policy-makers only with the administrative tasks falling to the manager. Under this system, commissioners should have to meet only once a week to make policy. This would mean anyone, even those who are employed full time, could serve as a county commissioner. Presently, because of the press of administrative duties, these positions are full time positions which greatly limits the people who can run for office.

County government under the present form has been severely limited in its ability to respond to local problems due to its limited authority. County



government can't be held responsible if it doesn't have the authority it needs to act. The adoption of self-government powers would give more authority to county government to deal with local problems.

In the area of administrative structure, \_\_\_\_\_ County study commission concluded that there were several significant problems. It seemed clear, for example, that there is currently no centralized or administrative authority in county government. It is unclear who, if anyone, is actually running \_\_\_\_\_ County. This fragmentation of authority is partly due to the many independent elected officials who are not formally coordinated in any way. There is no central focus in which county-wide priorities can be established and implemented.

A second problem which the study commission identified was the further fragmentation of responsibility through the proliferation of boards. These boards are often small independent governments of their own which operate outside of the public eye. There is a lack of accountability to the people of the county when voters have no idea who serves on these boards or what the boards do.

The commission-manager form would provide an effective administrative structure for county government by establishing clear lines of responsibility and authority: a legislative body with ordinance-making authority capable of formulating and adopting policy, and a chief administrative officer with the authority to supervise and coordinate the many activities of county government, while still being responsible to the commission.

With responsibility clearly fixed, citizens will know who to hold accountable for action or inaction.

#### Local Control Over Local Problems

Although county government will continue to perform many state-mandated functions and be subject to state law in areas where state-wide uniformity is desirable, the adoption of self-government powers will increase the authority and the flexibility of county government to deal with local problems. Currently under general government powers, the functions and organization of county government are regulated by state laws which are designed to apply to all counties in the state regardless of their different problems.

The study commission believes that self-government powers for \_\_\_\_\_ County would have a number of advantages over the existing system of powers. In terms of response time to new problems or opportunities, for example, a self-government county is free to act without waiting for approval of the state legislature. Under the existing system the county must wait for a legislative grant of power.

The second advantage for self-government is both more subtle and in the long run perhaps more important. It is the power of self-government counties to provide services and organize their internal affairs in the manner that seems best to them. To understand what this means one must bear in mind that while the existing system can provide a wide range of services, it can provide these services only in the manner prescribed by the legislature. The following example could be expanded to include almost every service which county government provides:



Both the proposed self-government and the existing general government counties can provide for refuse disposal, but while a self-government county can do so in any manner it finds appropriate, a general government county must create a district which instead of being an integral part of county government is administered by separate board. Similarly a county with existing general government powers which wishes control of mosquitoes must create a district, controlled by an independent board. It should be stressed that if a county with self-government wished to do so, it could provide services using the same methods as are presently authorized for general power governments. The critical difference is that they do not have to do it in that manner. They are free to provide the service in whatever manner they find most suitable.

#### A Government Structure that Allows Maximum Participation by Citizens

The study commission survey found that under the existing form of government there is very little public involvement. Few county residents can name their county commissioners. Fewer have any idea of what these officials do. In a situation such as this it is impossible for citizens to know whether or not county officials are doing a good job. Other indicators of a lack of public involvement include the total lack of citizen attendance at county budget hearings.

Part of the public involvement problem may be due to the fact that with a combination of administrative and policy functions under the commissioners, many decisions are made during the course of the day and not only at scheduled meeting times. Citizens don't know when decisions will be made and therefore can't participate. The study commission has attempted to deal with such problems through the creation of a larger commission which would serve only part-time and which would meet to make policy at regularly scheduled meetings.

The study commission has also dealt with the public involvement problem by including "community councils" in their proposed form of government. These councils would provide a mechanism for greater public participation in the affairs of county government. Under the proposed form there will be three member community councils elected in each commissioner district. These councils would act in an advisory capacity to the commissioner from that district and would provide a structure for regular communication between citizens and their elected representatives.

#### Government That is Efficient

The study commission believes that to achieve greater efficiency significant changes need to be made in the organizational structure of county government.

At the present time, county government consists of 14 somewhat autonomous administrative offices plus many separate boards, commissions and special districts. Elected officials are independent of all but minimal budget control by county commissioners who have almost no authority to supervise them or to coordinate activities of various departments. As an example, even purchasing is not centralized at the present time, but is handled by each department. The duties and functions of each officer are authorized in state law and any eligible voter regardless of qualifications can run for county office. While these officials feel they are responsible to the voters, the



voters in fact rarely know who county officials are or if they perform their duties adequately.

The demands of efficiently running the million dollar business that county government has become, requires first of all, a centralized administration where someone with professional administrative training and experience is in a position to oversee all county government operations, making it possible to set program goals, coordinate activities, hire qualified people, and evaluate county operations. Adoption of a county-manager form would establish such a position. In addition, the county commission would have the authority to reorganize county government into departments on the basis of function and in the most economical way. The manager can hire personnel on the basis of their qualifications. For county government this will mean clear lines of authority and responsibility, and the ability to work as an efficient unit.

With the adoption of self-government powers, it would also mean that the county could provide services directly rather than through autonomous boards. It could also mean better cooperation between cities and counties in the delivery of services, since county government would have increased authority and flexibility in determining the level and administrative structure for the delivery of service.

In view of the increasing complexity of county government and the growing needs for service, it is the judgment of \_\_\_\_\_ County study commission that these problems can best be met through the adoption of the county-manager form of government.



### The Report's Certificates

Montana law calls for the inclusion of certain certificates, signed by a majority of the study commission, in the final report. Some of these are mandatory and some are optional. The required certificates include:

1. the plan of government of the existing form,
2. the plan of government of the proposed form or amendments to the existing plan,
3. the date of the special election, which may be held in conjunction with a regularly scheduled election,
4. the form of the ballot question or questions,
5. the dates of the first primary and general elections for officers of a new government and the effective date of the proposal if it is approved.

The optional certificates include:

1. the plan for consolidation (if consolidation is proposed)
2. the plan for apportionment (if election districts are contained in the plan of government of the alternative form),
3. the plan for disincorporation(in lieu of the plan for the proposed form of government).

Models of the four required certificates and of an apportionment certificate are shown below.

#### APPENDIX

#### CERTIFICATE

#### ESTABLISHING THE EXISTING PLAN OF GOVERNMENT

FOR

----- COUNTY

If retained by the voters, the government of ----- County shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government:

7-3-111. Statutory basis for elected county official government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(3);
- (d) 7-3-413(1);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-416(2);



(h) 7-3-417(2);  
(i) 7-3-418;  
(j) 7-3-432(1);  
(k) 7-3-433(1);  
(l) 7-3-434(1);  
(m) 7-3-435(1);  
(n) 7-3-436(1);  
(o) 7-3-437(1);  
(p) 7-3-438(1);  
(q) 7-3-439(1);  
(r) 7-3-440(1);  
(s) 7-3-441(1);

(t) 7-3-442(1) if the county has elected an auditor;  
(u) 7-3-442(6) if the county has not elected an auditor.

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

These sections establish the following form of government which shall be called the COMMISSION FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412 (3). Selection of commission members. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-413 (1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-414 (1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415 (2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416 (2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-417 (2). Size of commission and community councils. The size of the



commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and community councils to advise commissioners may be authorized by ordinance.

7-3-418 Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432 (1) Legal officer. A legal officer (who may be called the county attorney) shall be elected.

7-3-433 (1) Law enforcement officer. A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434 (1) Clerk and recorder. A clerk and recorder shall be elected.

7-3-435 (1) Clerk of district court. A clerk of district court shall be elected.

7-3-436 (1) Treasurer. A treasurer shall be elected.

7-3-437 (1) Surveyor. A surveyor shall be elected.

7-3-438 (1) Superintendent of schools. A superintendent of schools shall be elected.

7-3-439 (1) Assessor. An assessor shall be elected.

7-3-440 (1) Coroner. A coroner shall be elected.

7-3-441 (1) Public administrator. A public administrator shall be elected.

7-3-442 (1) Auditor. An auditor shall be elected if the county has elected an auditor.

7-3-442 (6) Auditor. An auditor shall not be included in this form as a separate office if the county has not elected an auditor.

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

We, the Study Commissioners of \_\_\_\_\_  
County do hereby certify that this is the  
existing Plan of Government as established  
by Section 7-3-111 MCA.

SEAL

In testimony whereof, we set our hands.

Done at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_.

ATTEST: \_\_\_\_\_



CLERK & RECORDER OF  
\_\_\_\_\_  
County

Local Government Study Commissioners

CERTIFICATE

ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT

FOR

\_\_\_\_\_ COUNTY

Upon approval of the majority of voters the government of \_\_\_\_\_ County shall be organized under the following provisions of Section 7-3-112 MCA.

7-3-112. Statutory basis for county manager government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the county manager form of government shall be governed by the following sections:

- (a) 7-3-301;
- (b) 7-3-303;
- (c) 7-3-304;
- (d) 7-3-305;
- (e) 7-3-312 (3);
- (f) 7-3-313 (1) or (2);
- (g) 7-3-314 (4);
- (h) 7-3-315 (1);
- (i) 7-3-316 (2);
- (j) 7-3-317 (1);
- (k) 7-3-318.

(2) Commissioners are elected to 6-year terms. The size of the commission shall be established by ordinance, but it may not exceed five members.

These sections establish the following form of government which shall be called a COMMISSION-MANAGER form in this county.

7-3-301. Commissioner-manager form. The commission-manager form (which may be called the council-manager form) consists of an elected commission (which may be called the council) and a manager appointed by the commission, who shall be the chief administrative officer of the local government. The manager shall be responsible to the commission for the administration of all local government affairs placed in his charge by law, ordinance, or resolution.

7-3-303. Appointment of manager. The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.



7-3-304. Duties of the manager. The manager shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform the duties required of him by law, ordinance, or resolution;
- (3) administer the affairs of the local government;
- (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by or ordinance;
- (5) carry out policies established by the commission;
- (6) prepare the commission agenda;
- (7) recommend measures to the commission;
- (8) report to the commission on the affairs and financial condition of the local government;
- (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (10) report to the commission as the commission may require;
- (11) attend commission meetings and may take part in the discussion, but he may not vote;
- (12) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
- (13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance;
- (14) appoint members of temporary advisory committees established by the manager.

7-3-305. Employees of commissioner-manager government.

- (1) Employees appointed by the manager and his subordinates shall be administratively responsible to the manager.
- (2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his subordinates are empowered to appoint.
- (3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

7-3-312 (3). Appointment to boards. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the commission.

7-3-313 (4). Selection of commission members. The commission shall consist of three (3) members who shall be elected from districts in which they reside and which are apportioned by population and two (2) members who shall be elected at-large.

7-3-314 (2). Type of election. The question of non-partisan or partisan elections will be presented to the voters as a sub-option to be voted on. The option approved by the voters will become part of the plan of government.

7-3-315 (1). Chairman of the commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-316 (2). Terms of commission members. Commission members shall be elected



for overlapping terms of office.

7-3-317 (1). Size of commission and community councils. The size of the commission, shall be five (5) with three (3) elected from districts and community councils of at least three (3) members shall be elected within each district to advise the commissioner from that district.

7-3-318. Terms of elected officials. The term of office of elected officials shall be 4 years.

SEAL

We, the Study Commission of \_\_\_\_\_  
County, do hereby certify that this is the  
Proposed Plan of Government approved by the  
Study Commissioners of \_\_\_\_\_ County.

In testimony whereof, we set our hands.

Done at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_

ATTEST:

CLERK & RECORDER OF \_\_\_\_\_

\_\_\_\_\_ COUNTY

Local Government Study Commissioners

CERTIFICATE  
FOR THE APPORTIONMENT  
OF COMMISSIONER DISTRICTS

Districts described by census division (C.C.D.), and enumeration district (E.D.), with population and deviation from ideal shown.

District 1

Bannack C.C.D. (E.D.'s 12-15)  
Population 7,747 Deviation + 10%

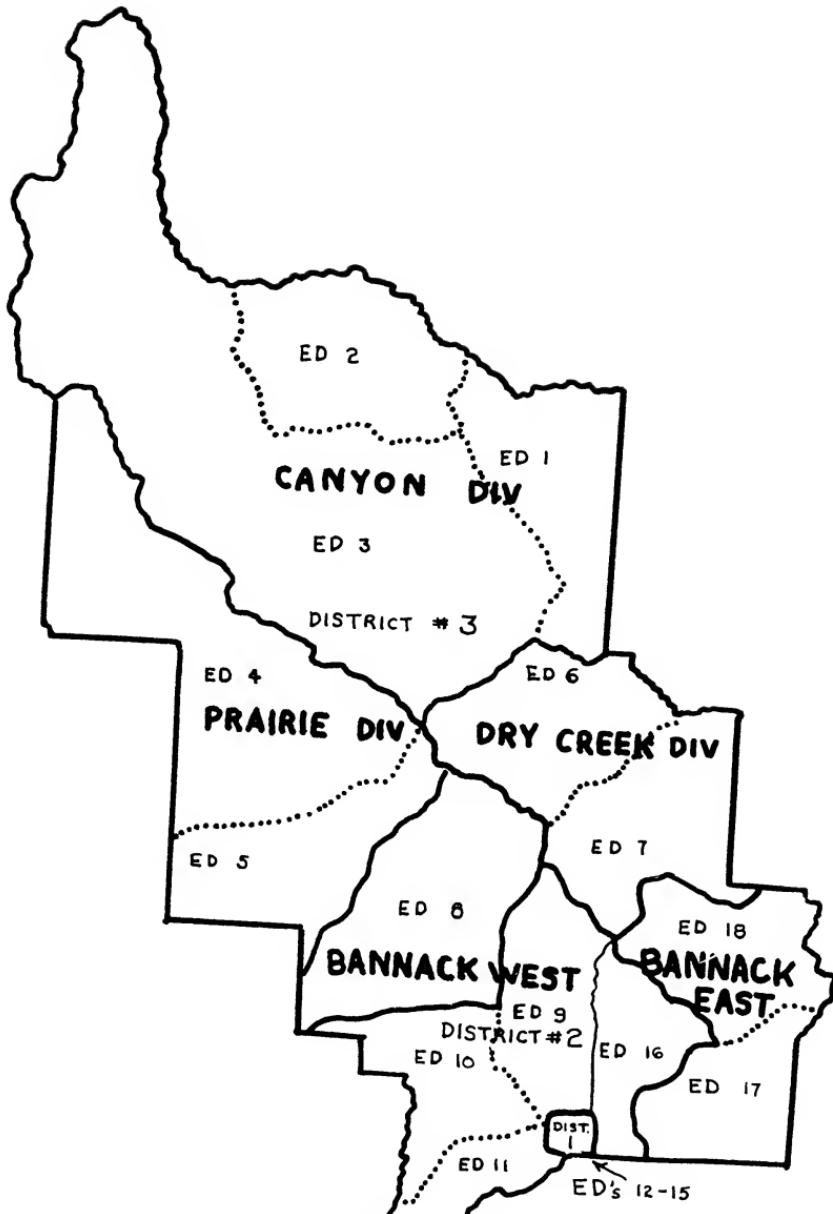
District 2

E.D.'s 9, 10, 11 of Bannack West C.C.D.  
E.D. 16 of Bannack East C.C.D.  
Population 6,692 Deviation - 5%

District 3

Canyon C.C.D. (E.D.'s 1, 2, 3)  
Dry Creek C.C.D. (E.D.'s 6, 7)  
Prairie C.C.D. (E.D.'s 4, 5)  
E.D. 8 of Bannack West C.C.D.  
Population 6,689 Deviation - 5%







SEAL

We, the Study Commission of \_\_\_\_\_ County do hereby certify that this is the official apportionment plan for commissioner districts approved by the Study Commission of \_\_\_\_\_ County.

In testimony whereof, we set our hands.

Done at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_.

ATTEST:

CLERK & RECORDER OF \_\_\_\_\_

\_\_\_\_\_ COUNTY

LOCAL GOVERNMENT STUDY COMMISSIONERS

CERTIFICATE  
ESTABLISHING THE DATE OF THE  
SPECIAL ELECTION AT WHICH THE  
ALTERNATIVE FORM OF GOVERNMENT  
SHALL BE PRESENTED TO THE ELECTORS  
OF \_\_\_\_\_ COUNTY

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of \_\_\_\_\_ County at a special election to be held with the general election on November 4, 1986.

We, the Study Commissioners of \_\_\_\_\_ County do hereby certify that this is the date of the special election approved by the Study Commissioners of \_\_\_\_\_ County.

In testimony whereof, we set our hands.

Done at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_.

ATTEST:

CLERK & RECORDER OF \_\_\_\_\_

\_\_\_\_\_ COUNTY

LOCAL GOVERNMENT STUDY COMMISSIONERS



CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT  
FOR THE NOVEMBER 4, 1986 SPECIAL ELECTION

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Instructions to voters: Place an "X" in the boxes which express your preferences.

OFFICIAL BALLOT

BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

If the proposed form of government fails to receive a majority of the votes cast on the question, the sub-option also fails. If the proposed form is adopted, the sub-option requires only a plurality of votes cast on the sub-option for adoption.

PLEASE VOTE ON BOTH ISSUES

1.

Vote for One.



For adoption of the commissioner-manager form of government proposed in the report of the \_\_\_\_\_ County local government study commission.



For the existing form of government.

---

2.

Vote for One.

Sub-option to be included in the new form of government, if it is adopted.

Local government elections:



Shall be conducted on a partisan basis.



Shall be conducted on a non-partisan basis.

---

We, the Study Commissioners of \_\_\_\_\_ County do hereby certify that this is the official ballot approved by the Study Commissioners of \_\_\_\_\_ County.

SEAL



In testimony whereof, we set our hands.

Done at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_.

ATTEST: \_\_\_\_\_  
CLERK & RECORDER OF \_\_\_\_\_

\_\_\_\_\_ COUNTY \_\_\_\_\_  
\_\_\_\_\_

LOCAL GOVERNMENT STUDY COMMISSIONERS

CERTIFICATE

ESTABLISHING THE DATES OF  
THE FIRST PRIMARY AND GENERAL ELECTIONS  
FOR OFFICERS OF THE NEW GOVERNMENT  
OF \_\_\_\_\_ COUNTY  
IF THE ALTERNATIVE PROPOSAL IS APPROVED  
AND ESTABLISHING THE EFFECTIVE DATE  
OF THE PROPOSAL IF APPROVED.

The date of the primary election for officers of the new government of  
\_\_\_\_\_ County shall be held at a special election on February 5,  
1987.

The date of the general election for officers of the new government of  
\_\_\_\_\_ County shall be held at a special election on April 6, 1987.

The effective date of the alternative plan of local government of  
\_\_\_\_\_ County takes effect when the new officers take office at 10  
a.m., June 5, 1987.

We, the Study Commissioners of \_\_\_\_\_  
County do hereby certify that these are the  
dates of the special primary and general  
elections and the effective date of the  
alternative plan of local government of  
\_\_\_\_\_ County approved by the Study  
Commissioners of \_\_\_\_\_ County.

SEAL

In testimony whereof, we set our hands.

Done at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_.

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V

ATTEST:

CLERK & RECORDER OF  
\_\_\_\_\_ COUNTY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
LOCAL GOVERNMENT STUDY COMMISSIONERS



REPORT IF SPECIAL RECOMMENDATIONS ARE INCLUDED

Consolidation or County Merger

City-county consolidation or merger of two or more counties may be placed on the ballot only by a joint report by cooperative study commissions. A final report, in addition to the material required in 7-3-187, must contain a consolidation plan if county-municipal consolidation or county merger is recommended. The consolidation plan must conform to the provisions and requirements relating to petitions in 7-3-143 whenever county-municipal consolidation is recommended; or 7-3-144 whenever county merger is recommended.

The final report for consolidation or county merger looks very much like the model final report detailed above except that additional categories of information must be included.

Special Requirements if Consolidation is Recommended

The consolidation plan must be included in the final report. It must provide for adjustment of existing bonded indebtedness and other obligations in a manner which assures a fair and equitable burden of taxation for debt service. It provides for establishment of subordinate service districts. It provides for the transfer or other disposition of property and other rights, claims, assets, and franchises of the local governments consolidated under its proposal. It provides the official name of the consolidated local government; and it provides for the transfer, reorganization, abolition, adjustment of boundaries, or absorption of all existing boards, bureaus, special districts, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts and nonconsolidated municipalities. It grants the legislative body of the consolidated government the authority to transfer, reorganize, abolish, adjust boundaries (and may provide a method for adjusting boundaries), or absorb existing boards, bureaus, special districts, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts and nonconsolidated municipalities, with or without referendum requirements.

The consolidation plan may include other provisions that are consistent with state law.

Study commissions who are following such a joint study should remember that if a consolidation plan is proposed, each local government must include a description of their existing plan of government in their final report. At the conclusion of the first voter review, three consolidation proposals were presented to electors, those being Missoula-Missoula Co., Butte-Silver Bow Co., and Anaconda-Deer Lodge Co.

(See Sections K and N of the Study Commission Manual.)

Special Requirements if County Merger is Recommended

Whenever county merger is recommended the final report must include the same categories of information as are required in the final report for an alternative plan of government plus a consolidation plan. The consolidation

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plan must provide for adjustment of existing bonded indebtedness and other obligations in a manner which assures a fair and equitable burden of taxation for debt service. It must provide for establishment of subordinate service districts. It provides for the transfer or other disposition of property and other rights, claims, assets and franchises of local governments consolidated under the alternative plan. It provides the official name of the consolidated local government. It provides for the transfer, reorganization, abolition, adjustment of boundaries, or absorption of existing boards, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts, authorities, and incorporated municipalities. It grants the legislative body of the consolidated government the authority to transfer, reorganize, abolish, adjust boundaries, or absorb existing boards, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts, authorities, and incorporated municipalities, with or without referendum requirements.

#### Disincorporation

If a study commission proposes municipal disincorporation, the final report shall contain a certificate of disincorporation instead of a plan of government, and a recommended plan of disincorporation. All of the other material required by 7-3-142 must also be included. The report requirements for disincorporation are found in 7-3-145 and 7-3-189.

Five municipalities proposed disincorporation during the first voter review. They include Brockton, Columbia Falls, Libby, West Yellowstone, and Wibaux.

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## SUPPLEMENTARY REPORTS

A study commission may prepare a supplementary report in addition to its final report. This report may recommend consolidation of services and functions and indicate potential areas for interlocal agreements.

City-county service consolidation is possible under Montana statute. In order for such a proposal to be put to the electors, there must be cooperation between two study commissions considering such possibilities. It is possible that a municipal study commission concludes that consolidation of some service should be suggested, but that its county study commission is not interested, or that the county did not vote for voter review and therefore has no mechanism for cooperating. In either case a supplementary report to the municipality may cause the municipality to investigate further and take steps to implement the suggested change with the cooperation of the county.

A model supplementary report follows.

### Supplementary Report to the City of \_\_\_\_\_

The \_\_\_\_\_ Study Commission has spent eighteen months studying the local government. During that time elected officials and department heads were interviewed. The city budget was examined. Citizens were surveyed. The study commission has spoken to fifteen civic organizations and other citizen groups. The form of government was studied and compared with others allowed by Montana statute. The delivery of services was examined.

The one service that was consistently brought to the attention of the study commission was that of law enforcement. The specific concerns that were mentioned were the inadequacy of the city jail which was constructed in 1910, and the demands on the budget caused by the need for additional policemen. If the jail were to be inspected it could not pass fire code inspection or meet modern legal requirements for jail construction. This community can no longer afford to wait and hope that improvements will be made sometime. The tax base of \_\_\_\_\_ provides for minimal services and cannot provide for the additional tax burden that is suggested by the need to improve both law enforcement and the jail.

\_\_\_\_\_ County jail, which was constructed in 1965, is in adequate condition, and has the capacity to house any prisoners the city may have. The study commission has examined the number of prisoners housed in the county jail for the last year and has found that at any given time they could have easily accommodated the number of people held by the city police.

In the last year the police bargaining unit has gained agreement from the city to hire two additional police officers in order to staff the night shift. That brings the total number of police to eight. The additional burden to the city budget is \$37,000. It is a burden that has forced the city to forego other much needed services.

The study commission has met with the county sheriff to discuss the situation. The sheriff has 15 deputies. He reported that with consolidated forces the city could eliminate one of the positions and at the same time

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continue to provide adequate police protection. A combined police force would be managed more efficiently than the two separate forces.

The sheriff explained that city police can only handle misdemeanors. County police are authorized to handle both misdemeanors and felonies. If a felony is committed within the city, the county must do the investigation. With a consolidated force, there is no need to be concerned about that distinction.

The \_\_\_\_\_ Study Commission recommends that the \_\_\_\_\_ City Council investigate consolidating the city jail with the county jail and consolidating the city police with the county police.

### Study Commissioners

